

ἙΞΑΛΕΙΜΜΑ: ESCHEAT IN BYZANTIUM

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In Byzantine documents of the thirteenth through fifteenth centuries the term ἑξάλειμμα and its adjective, ἑξάλειμματικός, are employed quite frequently to describe kinds of real property. Over the years, as scholars encountered these terms in the course of editing or analyzing the documents, many definitions have been offered. Surveying these, one is struck less by the variety of opinions regarding any *specific* characteristic of ἑξάλειμμα than by the variety of opinions in regard to what these specific characteristics *were*. By way of background and illustration I present, in translation, several of the definitions of ἑξάλειμματα or ἑξάλειμματικαὶ στάσεις: “dilapidated, ruined, abandoned land, the tax on which (for the most part reduced) was to be paid by large landowners until such land was returned to full productivity by a peasant” (F. Dölger); “destroyed and abandoned land which was transferred, along with its tax, often reduced, in order to be cultivated” (D. Zakythinos); “abandoned, rural properties, not having a tax-paying cultivator, which were obligatorily attributed to others” (G. Theoharides); “abandoned (‘erased’) land which a peasant, having ruined the property and unable to pay the state taxes, abandoned” (A. Solovjev and V. Mošin); “peasant properties whose owners had disappeared or died out” (A. Laiou); “lands without a master” (G. Ostrogorsky); and “escheated landholdings” (V. Vasilevskij).¹

¹F. Dölger, *Sechs byzantinische Praktika des 14. Jahrhunderts für das Athoskloster Iberon* (Munich, 1949), 122. D. Zakythinos, *Le despotat grec de Morée*, II (Athens, 1953), 240. G. Theoharides, *Oi Tzampalakones, Μακεδονικά* 5 (1961–63), 132. A. Solovjev and V. Mošin, *Grčke povelje srpskih vladara* (Belgrade, 1936), 432. A. Laiou-Thomadakis, *Peasant Society in the Late Byzantine Empire* (Princeton, 1977), 55. G. Ostrogorsky, *Quelques problèmes d'histoire de la paysannerie byzantine* (Brussels, 1956), 46. V. Vasilevskij, “Materialy dlja vnutrennej istorii vizantijskago gosudarstva,” *ŽMNP* 210 (1880), 158. B. Pančenko, “Krest’janskaja sobstvennost v Vizantij,” *IRAİK* 4 (1904), refers to exaleimmata as both “abandoned or dilapidated lands” (pp. 98, 99, 144) and as “es-

These scholars have defined ἑξάλειμμα on the basis of one or more of the following five aspects of a property so designated: (1) its owner’s situation (disappeared, dead); (2) its physical condition (destroyed, ruined, dilapidated); (3) the discharge of its fiscal obligations (unsatisfied); (4) the magnitude of its tax burden (reduced); and (5) its subsequent reattribution (to “others,” to the state, to large landowners, to a peasant, obligatorily or not). None of these definitions includes all five of these aspects; most treat only two or three. It is the purpose of this study to show that aspects 2 and 4 are irrelevant to a definition of exaleimma and that only aspects 1 and 5 are necessary for an adequate definition (though aspect 3 is a natural consequence of aspect 1). In other words, the definitions of Ostrogorsky and Laiou are acceptable in a limited sense (and to the extent to which they are quoted here), while Vasilevskij’s definition, “escheated landholdings,” is, with only the mildest of qualifications, a correct one.

The word ἑξάλειμμα is derived from ἑξαλείφω, a verb with a number of senses including “to anoint, wipe out, erase, destroy utterly, blot out.” It can also mean “to strike off,” as in the phrase ἑξαλείφειν τινὰ ἐκ τοῦ καταλόγου, and it is this sense which explains the appearance of the verb in the tenth-century Marcian Treatise. The key passage is worth presenting at length: Τῆς χώρας ἑξαλειφείσης ἀπὸ τινος ἴσως ἐθνῶν ἐπιδρομῆς ἢ τινὸς ἄλλης θεομηνίας καὶ τῶν περιλειφθέντων προσχώρων κινδυνεύοντων καὶ αὐτῶν μεταναστεῦσαι διὰ τὸ καθέλ-

cheated landholdings” (p. 191). Two more definitions, of little value, may be cited: E. Kriaras, *Λεξικὸν τῆς μεσαιωνικῆς ἑλληνικῆς δημόδου γραμματείας* (Thessaloniki, 1968–), VI, 98, and M. Nystazopoulou-Pelekidou, *Βυζαντινὰ ἔγγραφα τῆς μονῆς Πάτμου. Β’—Δημοσίων λειτουργῶν* (Athens, 1980), 173 (hereafter *Patmos B*). Also, cf. the discussion of Sp. Lampros in *Νέος Ἑλλ.* 11 (1914), 491–92.

κεσθαι καὶ ὑπὲρ τῶν ἐξαλιφέντων, ἐξήλθεν ἐπόπτης ἀπὸ τοῦ βασιλέως σταλεις καὶ ἀνερευνήσας συνεπάθησε τὸ τέλος τῶν εἴτε ἐξ ὁλοκλήρου εἴτε μερικῶς ἐξαλιφέντων στίχων.² This is the well-known introduction to the treatise's explanation of the circumstances under which land could be separated from the fiscal entity called the χωρίον, or "village community." F. Dölger wrote that "der Zusatz ἀπό τινος ἴσως ἐθνῶν ἐπιδρομῆς läßt keinen Zweifel, daß ἐξαλείφω hier im Sinne von ἀπόλλυμι zu verstehen ist, daß also χώρα ἐξαλιφεῖσα die Begriffe des 'verwüsteten' wie das 'verfallenen' Landes vereinigt."³ To a very limited extent this is true. The verb ἐξαλείφω, appearing in the Marcian Treatise exclusively in its aorist passive form, had become more than a simple verb, but a term which united several senses. This is reflected in the variety of translations scholars have offered for the forms of ἐξαλείφω found in the passage. G. Ostrogorsky rendered the very first phrase: "When a region was abandoned . . ." (using the passive of *verlassen*); P. Lemerle: "When an area has been devastated . . ." (pass. of *devaster*); C. Brand: "When the country has been devastated . . ."; E. Lipšic: "When an area became desolate . . ." (запустеть); and G. Batakiev and S. Maslev: "When a region was devastated . . ." (pass. part. of опустошавамъ). For ἐξαλιφέντες στίχοι, Ostrogorsky offered "the desolated land-register rubrics" (pass. part. of *veröden*); Brand: "the devastated parcels"; Lipšic: "the desolated parcels"; and Batakiev-Maslev: "the devastated parcels of land."⁴ Each of these translations, based primarily on context, emphasizes one characteristic of an ἐξαλιφεῖσα χώρα or ἐξαλιφέντες στίχοι. Indeed the first phrase could be translated: "When a region was devastated, abandoned, and became desolate. . ."

However, the matter becomes more complicated when we turn to the other two passages that employ ἐξαλείφω. No longer are the related senses,

"devastated, abandoned, desolated," adequate for rendering a translation, because now the verb is applied not to land but to people. One of these passages explains that a συμπαθεια, or mitigation of taxes, can be effected when those who neighbor ἐξαλιφέντα find themselves so oppressed by the burden of assuming the taxes for the ἐξαλιφέντα that they consider moving away themselves. The imperial official institutes a *sympatheia* ἵνα μὴ καὶ οὗτοι ἐξαλιφῶσι.⁵ Ostrogorsky's translation of this is "so that these [neighbors] do not also become desolate" (*veröden*), which makes little sense; Brand offers "lest they [the neighbors] be blotted out," which is not much better; Lipšic's "lest others [properties] become deserted" (опустеть) misinterprets the subject of the clause; and Batakiev-Maslev's "so that these [neighbors] do not abandon them [the properties]" (напускамъ) supplies a direct object for the verb.⁶ The other passage explains the use of a κοῦφισμος, or tax-relief, when it is expected that the original owners of the ἐξαλιφέντα will return. The official makes a *koufismos* ἵνα μὴ ἐξαλιφῶσι καὶ οἱ καταλειφθέντες τοῦ χωρίου ἐποικοὶ ἀλληλέγγυα ἀπαιτούμενοι.⁷ Ostrogorsky translated this: "so that those village inhabitants still remaining, who have to pay the surcharge for the desolated lands of their neighbors, do not become destroyed as well" (pass. of *ruinieren*). Lemerle employs a fresh verb: "so that those who remain in the commune not disappear in turn . . ." (*disparaître*). Brand finds two subjects within the clause: "lest they [the owners who moved away temporarily] be blotted out and the remaining inhabitants of the village be constrained to make up the difference," which syntactically is an unlikely translation. Finally, the translations of Lipšic and Batakiev-Maslev each use yet another verb, respectively: "lest the remaining village inhabitants abandon the land" (покинуть); "so that the remaining inhabitants of the village not be destroyed" (pass. part. of опроставамъ).⁸

The purpose of this synopsis is not to illustrate how different translators each render a particular word differently, but rather to show how difficult it is to assign a single concrete meaning to ἐξαλείφω in the Marcian Treatise. Altogether each of the translators employed two or three different verbs

²F. Dölger, *Beiträge zur Geschichte des byzantinischen Finanzverwaltung besonders des 10. und 11. Jahrhunderts* (Berlin, 1927; rpr. Hildesheim, 1960), 116, lines 2–6. On the treatise, see P. Lemerle, *The Agrarian History of Byzantium from the Origins to the Twelfth Century* (Galway, 1979), 73–85.

³Dölger, *Beiträge*, 139.

⁴G. Ostrogorsky, "Die ländliche Steuergemeinde des byzantinischen Reiches im X. Jahrhundert," *Vierteljahrschr. für Sozial- und Wirtschaftsg.* 20 (1927), 93, and reprinted separately (Amsterdam, 1969). P. Lemerle, "Esquisse pour une histoire agraire de Byzance," *RH* 219 (1958), 261. C. Brand, "Two Byzantine Treatises on Taxation," *Traditio* 25 (1969), 49. E. Lipšic in *Akademija nauk SSSR, Institut istorii, Sbornik dokumentov po social'no-ekonomičeskoj istorii Vizantii* (Moscow, 1951), 148. G. Batakiev, S. Maslev, D. Angelov, *Podbrani izvori za istorijata na Vizantija* (Sofia, 1956), 115.

⁵Dölger, *Beiträge*, 119, line 4.

⁶Ostrogorsky, "Steuergemeinde," 97. Brand, "Two Treatises," 53. Lipšic, *Sbornik*, 151. Batakiev-Maslev, *Podbrani izvori*, 118.

⁷Dölger, *Beiträge*, 119, lines 23–24.

⁸Ostrogorsky, "Steuergemeinde," 98. Lemerle, "Esquisse," 261. Brand, "Two Treatises," 53. Lipšic, *Sbornik*, 151. Batakiev-Maslev, *Podbrani izvori*, 119.

to render ἑξαλείφω. Particular note may be made of the shift from passive to active on the part of some of the translators. In fact only second aorist passive forms of ἑξαλείφω appear in the treatise. The problem is finding a single verb that can apply to both land and people, as the passive forms of ἑξαλείφω do in the treatise. “Devastated, abandoned, desolated” work for land but not quite satisfactorily for people. In the second and third passages the sense of ἑξαλείφω in the passive is clearly “to flee,” but this of course cannot apply to land. Yet the author of the treatise saw no problem in associating the verb with both land and people, and so it is necessary to discover the basis of this association. I suggest that we return to an ancient sense of ἑξαλείφω, “to strike off a list,” and specifically in this case “to strike off a tax register.”⁹ This solution gives the verb a fiscal sense appropriate to the treatise and allows the phrase ἑξαλειφέντες στίχοι to have a literal sense. Most important, this sense can be applied to both land and people.

Thus I translate the first passage as follows: “When a region was struck off the tax register perhaps because of an enemy raid or some natural disaster, and the remaining neighbors were in danger of themselves moving due to the burden of the struck-off properties (or tax entries), an inspector sent by the emperor came and, after investigating, mitigated the tax of the tax entries that had been either entirely or in part struck off the lists.” For the other passages I offer the following: a *sympatheia* or *koufismos* was made “lest the remaining inhabitants of the village community, being required to pay the taxes of the struck-off tax entries, be struck off the tax register themselves.”

I should make three points. First, a property was “struck off the tax register” not because it was devastated or desolate or even unproductive, but because its owner was missing. Put simply, ἑξαλειφέντα were properties without owners. Similarly, a person who was “struck off” was a missing person, one who did not present himself to pay the taxes on his property. Second, my translations suggest that prior to the arrival of the ἐπόπτης sent by the emperor, a process took place which “struck off” certain people or properties (via their στίχοι) from the tax register. The obvious candidate for this task was the tax collector who, finding certain taxpayers missing or certain properties unproductive, “struck

them off the tax register,” which could mean nothing more than that the status of these people and properties was noted. One may surmise that it was then the tax collector’s report that brought the ἐπόπτης to the area. Third, although ἑξαλείφω has primarily a fiscal sense in the treatise, denoting one step in a highly evolved process—a disaster strikes, a property is abandoned, its owner cannot be found, the property and owner are “struck off,” the tax on the property is adjusted—it is understandable that ἑξαλείφω might easily be applied to other steps in the process as well. As we have seen, this is precisely what earlier translators of the Marcian Treatise have done, and, as we will see, the Byzantines themselves at times confused cause and effect.

Around the middle of the eleventh century a new form of ἑξαλείφω appears in the documents. This is the perfect passive participle ἐξηλειμμένος, and in twelve documents from 1073 to 1284 it is used exclusively to modify real property: ἀμπελοκήπιον,¹⁰ μονή,¹¹ and στάσις.¹² Meanwhile, during the eleventh and until the middle of the twelfth century the aorist passive forms of ἑξαλείφω continue to be employed as substantives and as modifiers for people and στίχοι.¹³

There are two sources that employ both the aorist and perfect passive forms of ἑξαλείφω. One is the Zavorda Treatise, a brief handbook of fiscal terminology, closely paralleling the Marcian Treatise, which can be dated to the middle or second half of the eleventh century.¹⁴ In it the perfect passive participle of ἑξαλείφω occurs twice, once mod-

¹⁰ *Patmos* B, no. 50, 114–15 (1073); no. 52, 107β (1089).

¹¹ P. Lemerle et al., *Actes de Lavra I–IV* (Paris, 1970, 1977, 1979, 1982), I, no. 61, 33–34 (1141) (hereafter *Lavra*). F. Miklosich and J. Müller, *Acta et Diplomata Graeca Medii Aevi* (Vienna, 1860–90), VI, 206, line 19 (ca. 1260) (hereafter MM). *Patmos* B, παρῶν, 12 (1261).

¹² *Lavra* I, no. 43, 6–12 (1081). MM IV 14, 14 f (1235); 20, 24 f (1235); 30, 23 f (1284); 318 (1175); 319 (1189). G. Ferrari, “Formulari notarili inediti dell’ età bizantina,” *BISI* 33 (1913), 56, no. 18, 4–5.

¹³ Zepos, *Jus*, IV, 52–53 (the *Peira*): τὰ τῶν ἑξαλειφέντων χωριτῶν δημόσια (cf. the Marcian Treatise: τὰ τῶν ἑξαλειφέντων δημόσια [Dölger, *Beiträge*, 119, 4]). *Lavra* I, no. 43, 6–12 (1081). L. Petit, “Le monastère de Notre Dame de Pitie en Macédoine,” *IRAIK* 6 (1900), 39, lines 24 ff (1152): προσκειμένην γῆν ἀπορον, προσἑξαλειφέντων τῶν στίχων πρὸ χρόνων ἤδη ἰκανῶν. There is, naturally, an exception: MM V 12, 19 (1259), where the aorist passive modifies μετόχιον. One other word derived from ἑξαλείφω may be noted. The same document that speaks of an ἀμπελοκήπιον ἐξηλειμμένον [*sic*] also lists ἀμπελοκήπιον ἄλλο ἐξαλειπτον (*Patmos* B, no. 52, 67 and 107β). Even assuming we ought to read ἐξάλειπτον, I am not sure the two words are synonymous.

¹⁴ The date is based upon the date of the manuscript itself (probably 11th cent.) and upon the presence and definition of προνοιατικά property in the treatise, the institution of pronoia not otherwise attested before the middle of the eleventh cen-

⁹ As does Du Cange, *Glossarium*, col. 661: “tiré du rolle des tailles.” This sense is found as well in the papyri: see F. Preisigke, *Wörterbuch der griechischen Papyrusurkunden*, II (Berlin, 1924), col. 507.

ifying χωρίον (Εὐρέθη χωρίον ἐξηλειμμένον, ἢ ὅλον ἢ μέρος; cf. in the Marcian Treatise: Τῆς χώρας ἐξαλειφείσης) and once acting substantively, where the implicit antecedent is clearly real property rather than στίχοι (ἢ καὶ ἀλλότριοι ἐγκατοικήσαντες τοῖς ἐξηλειμμένοις). The aorist passive participle of ἐξαλείφω occurs four times, twice substantively, referring to something that can become κλάσμα (κλασματισθῆναι ἢ ἄλλως ἐκποιηθῆναι τὰ ἐξαλειφθέντα; καὶ γενέσθαι τὸ ἐξαλειφέν κλάσμα), and twice modifying στίχοι or people (ὡς ἐξαλειφέντων τινῶν στίχων; ὅταν ὑποχωρησάντων ἢ ἄλλως ἐξαλειφέντων τῶν κληρονόμων). Finally, the aorist passive subjunctive appears once, referring to the neighbors of those who leave their lands (ἴν' οὖν μὴ καὶ οὗτοι ἐξαλειφῶσι, γίνεται συμπάθεια παρὰ τοῦ ἐπόπτου; cf. in the Marcian Treatise: ὁ . . . ἐπόπτης, ἵνα μὴ καὶ οὗτοι ἐξαλειφῶσι, συμπαθήσῃ τὰ τῶν ἐξαλειφέντων δημόσια), and the aorist passive infinitive appears once as a verbal noun (Τὸ κλάσμα γίνεται ὅταν μετὰ τὸ ἐξαλειφῆναι διέλθῳσι χρόνοι τριάκοντα καὶ οὐ γένηται ὄρθωσις).¹⁵

The meaning of ἐξαλείφω in these passages is no different from that in the Marcian Treatise. If the verb is again rendered as in the earlier treatise, the passages cited above make perfect sense: "There was a village that had been struck off the tax register, either wholly or in part"; "When it is learned that some of the owners have returned and are holding their own property, or that strangers were inhabiting the properties that had been struck off the tax register"; "since some tax-register rubrics were struck off"; "when the owners have moved or have otherwise been struck off the tax register," and so on. In fact the Zavorda Treatise further explains that, prior to becoming klasma, these properties that had been abandoned by their owners could be leased to villagers, offered as pasture, or even be occupied by squatters.¹⁶ The notion that, as a rule, they had fallen to ruin and were deserted is false.

The only document other than the Zavorda Treatise that employs both aorist and perfect pas-

ture. See Brand, "Two Treatises," 36–37, which also includes a translation of the text.

¹⁵J. Karayannopoulos, "Fragmente aus dem Vademecum eines byzantinischen Finanzbeamten," in *Polychronion. Festschrift Franz Dölger* (Heidelberg, 1966), 321–24, lines 14, 21, 33, 79, 87–88, 89, 93, 97. One observes that only one instance of the aorist passive is technically correct: τὰ ἐξαλειφθέντα. In the other five instances the theta is dropped on the way to forming a second aorist, but with no corresponding shift to the weak form of the verb.

¹⁶Karayannopoulos, "Fragmente," lines 3–9, 18–20, 29, 36, 93.

sive forms of ἐξαλείφω is Alexios I's 1081 chrysobull for the monastery of the Amalfitans. The emperor granted this monastery numerous ἐξηλειμμένοι στάσεις of paroikoi who had moved away from an area under the burden of heavy taxes. This proves that staseis did not have to be destroyed, devastated, or suffer any attack or natural disaster in order to become ἐξηλειμμένοι. Moreover, the fiscal sense is evident when, speaking of the peasants, the text explains, τοὺς δὲ καὶ τέλειον ἐξαλειφθῆναι, ὀλίγους δὲ τινας περιλελειφθαι.¹⁷ As in the Marcian and Zavorda treatises, the only satisfactory translation of this aorist passive form of ἐξαλείφω that can apply as well to the perfect passive form in ἐξηλειμμένη στάσις is the fiscal sense of "striking off." Thus I translate the passage: "while some were completely [i.e., not temporarily¹⁸] struck off the tax register, a few others were left remaining." This does not mean that there is no sense of abandonment here; of course the peasants had abandoned their staseis, and these staseis thereupon became "abandoned." But so as not to confuse "abandoned" with "deserted" or "desolate," it is much more accurate to say that an ἐξηλειμμένη στάσις was "a stasis abandoned by its owner at some time in the past."

Nevertheless, it must be emphasized that the passive forms of ἐξαλείφω that appear in these documents, not to mention those found in the literary sources, *can* at times mean "abandoned" or "destroyed." It is difficult to avoid this conclusion when we read, for example, μετόχιον τὸ ἐξαλειφθὲν ὑπὸ τῶν κουρσάρων, or when a monastery is described as ἀμελημένης οὐσης παντάπασι καὶ λίαν ἐξηλειμμένης.¹⁹ Yet it would be improper to deny *prima facie* that a phrase such as ἐξηλειμμένον ἀμπελοκήπιον had a fiscal sense.²⁰ There were, after all, many other words (ἀπόλλυμι, καταλύω, ἀμείλω, ἐρημώω, ἐκλείπω) that would have been perfectly adequate for expressing "destruction," "des-

¹⁷*Lavra* I, no. 43, 6–12. On this document, see N. Svoronos, "L'épibolè à l'époque des Comnènes," *TM* 3 (1968), 385 note 54, rpr. in N. Svoronos, *Etudes sur l'organisation intérieure, la société et l'économie de l'Empire Byzantin* (London, 1973), no. V.

¹⁸The Marcian Treatise does treat the case where it is anticipated that the landowners who moved away will return: Dölger, *Beiträge*, 119, 19 ff.

¹⁹MM V 12, 19. *Patmos* B, παράρτημα, 12. See also Zepos, *Jus*, I, 267–68; *Chronicle of the Morea*, ed. J. Schmitt (London, 1904), vv. 3314, 6010, 8663–65; *Cronaca dei Tocco di Cefalonia di Anonimo*, ed. G. Schirò (Rome, 1975), vv. 2919, 3200, 3215, 3291; and Leontios Makhairas, *Recital Concerning the Sweet Land of Cyprus*, entitled "Chronicle," ed. R. Dawkins (Oxford, 1932), I, 502, line 36.

²⁰As Nystazopoulou-Pelikidou, *Patmos* B, pp. 27 and 67, writes.

olation,” or “abandonment,” and the use of some of them is attested in the documents.²¹

The terms ἐξηλειμμένος and ἐξηλειμμένη στάσις, which first appeared around the middle of the eleventh century, were supplanted by the terms ἐξάλειμμα and ἐξαλειμματική στάσις during the second half of the thirteenth century. While ἐξηλειμμένος is last encountered in 1261 or thereabout²² and ἐξηλειμμένη στάσις last appears, in a clause copied verbatim from a much earlier document, in 1284,²³ ἐξάλειμμα is first attested in 1259²⁴ and ἐξαλειμματική στάσις in 1300.²⁵ It is ev-

²¹ Documents that speak of the restoration of ruined or destroyed monasteries are particularly useful for this kind of vocabulary. See *Lavra* I, no. 1, 15; II, no. 78, 8–9; no. 79, 1; III, no. 133; and *Patmos* B, no. 50, 113–15. In this last document a form of καταλύω (modifying “houses”) appears side by side with ἐξηλειμμένος (modifying “vineyard”).

²² *Patmos* B, παράρτημα, 12. This is a false document, but cf. MM VI 206, 19, from around the same time.

²³ MM IV 30, 23 f, based on MM IV 20, 24 ff (1235).

²⁴ J. Lefort, *Actes d'Esphigmenou* (Paris, 1973), Appendix A, 48–50 (hereafter *Esphigmenou*). F. Dölger, “Neues vom Berg Athos,” *SBN* 9 (1957), 87, line 63, rpr. in Dölger, *Paraspora. 30 Aufsätze zur Geschichte, Kultur und Sprache des byzantinischen Reiches* (Ettal, 1961). However, the phrase *юксалимо земљу* appears in a Slavic translation of a Greek act from 1227: A. Solovjev, “Un inventaire des documents byzantins de Chilandar,” *SK* 10 (1938), 46, no. 2. Ostensibly, the original phrase would have been ἐξαλειμματική γῆ (which would make it the earliest occurrence of the phrase) or ἐξάλειμμα (with the Serbian scribe adding an explanatory *zemlja*, in which case it would be the earliest occurrence of this term). Yet, since we cannot be sure the translation was contemporary with the original, it is possible that the scribe, at a later date, read some form of ἐξηλειμμένος and rendered it with the Slavic transliteration of the then current ἐξάλειμμα.

It may be noted here in passing that, to my knowledge, the word ἐξάλειμμα or any of its other forms is found in only two other Slavic documents: Milutin's 1299/1300 chrysobull for the monastery of Sv. Georgije in Skopje (V. Mošin, *Spomenici za sred-novekovnata i ponovata istorija na Makedonija*, I [Skopje, 1975], 221, 231, 233), in which the forms *юксалима*, *еџалима*, and *еџалимо* appear, and the Chilandar Slavic praktikon from 1300 (V. Mošin, “Akti iz svetogorskih arhiva,” *Spomenik Srpske kraljevske akademije nauka* 91 [1939], 214), in which the monastery holds the *юксалими* *стась* *нехѣбнова* in the village of Gradac containing 3½ mod. of vineyards and 100 mod. of land, and is assessed at 3 hyp. This praktikon is a verbatim translation of a Greek original, and so the data it provides may be used with little reservation. Milutin's chrysobull, on the other hand, since it employs a mixture of Byzantine and Serbian terminology, while closely paralleling the dubious chrysobull of Konstantin Tih Asen (Mošin, *Spomenici*, 183–204), seems to have drawn on numerous earlier documents, some of which were in Greek. (Mošin's hypothesis [pp. 151, 172, and 221 note 58], that the exaleimmata in the document had belonged to Byzantine “feudal lords” who lost their property after Milutin's conquest of the area of Skopje, is pure conjecture.) Thus the Byzantine term ἐξάλειμμα never took root in Serbia which, indeed, had its own method for dealing with properties whose owners had fled or died (see, e.g., T. Taranovski, *Istorija srpskog prava u Nemanjićkog državi*, I [Belgrade, 1931], 54–55, 64–65).

²⁵ W. Regel, E. Kurtz, B. Korablev, *Actes de Zographou, A. Actes grecs, VizVrem* 13 (1907), suppl. 1, no. 15, 49–50 (hereafter *Zo-*

ident that the term ἐξάλειμμα with the institutions surrounding it was the direct heir of ἐξηλειμμένος and its institutions, which in turn developed out of the already well-established processes described in the Marcian Treatise. Of course while the ἐξαλειμματική στάσις and the ἐξηλειμμένη στάσις were very similar in that they were analogous components of agrarian systems from different eras, we cannot expect them to have more in common than do the agrarian systems themselves.²⁶ Since there is so little useful information in the sources about the ἐξηλειμμένοι στάσεις of the eleventh and twelfth centuries and so much for the exaleimmata of the fourteenth, it is not possible to compare any but the most basic characteristics of the two kinds of property. Consequently, while the remainder of this paper will from time to time refer back to the characteristics of ἐξηλειμμένοι στάσεις, most of the discussion will be concerned solely with the institution of exaleimma.

I begin with the circumstances under which property became exaleimma. The Marcian Treatise and Alexios I's 1081 chrysobull indicate only one way in which a property could become ἐξαλειφείς or ἐξηλειμμένος—through the flight of its owner. However, property became exaleimma through either the flight or death of its owner. Only rarely is this stated explicitly. In a document from 1356 the monk Arsenios Tzamplakon donated property to Vatopedi including “my own paroikoi along with the exaleimmata of my paroikoi who went missing because of the confusion of the age.”²⁷ The last phrase is evidently an allusion to the disruptive influence of the civil wars and invasions of the fourteenth century. In much the same way a property became “ownerless” when the owner died without leaving behind a suitable heir to inherit the prop-

graphou). One can find this term in an 1194 or 1196 document from the Lemvotissa cartulary (MM IV 184, 30–33), but I tend to think its appearance is the work of the cartulary's (early fourteenth-century) compiler. Further, the typikon of the monastery of Lips, refounded during the period 1282–1304, contains perhaps the earliest reference to ἐξαλειμματική γῆ: H. Delehay, *Deux typica byzantins de l'époque des Paléologues* (Brussels, 1921), 132–33. See note 70 below.

²⁶ Naturally this distinction does not hold for the period of overlap (the thirteenth century) in which ἐξηλειμμένος and ἐξάλειμμα signified the same thing.

²⁷ Theocharides, *Τζαμπλάκωνες*, 134–37, no. 2, lines 5–7. And cf. Dölger, *Sechs Praktika*, RV 232–37, which blames the flight of paroikoi on the attacks of Turks and, further, gives Iveron the right to seek their return. On the role of the Catalan raids in similarly creating exaleimmata, see N. Oikonomides, *Actes de Docheiariou* (Paris, 1984), pp. 160–61 (hereafter *Docheiariou*).

erty. Around 1370 Markos Doukas Glavas syr Mourinos wrote that when one of his paroikoi who owned half-interest in a mill died, the mill “became ἐξολειμματικός along with the rest of his ὑπόστασις since he died childless and without heirs.”²⁸ This passage makes it clear that the mere death of a property owner did not result in the property becoming exaleimma, but his death without a natural successor to the property. In other words, through the death of a childless, or heirless, property owner the property became “ownerless” and was termed ἐξάλειμμα.

It is important to establish this connection between exaleimma and property that had become ownerless, through either death without heirs or through flight, so that the documentary base of the analysis may be broadened. An orismos of the despot Demetrios Palaiologos, from 1429, does not employ the word ἐξάλειμμα, but nevertheless associates the two causes of exaleimma. Referring to lands held by Lavra on Lemnos, the despot decreed that state officials were forbidden “to take away or deprive [the monks] of whatever they had and have, whether a paroikos of theirs—be he a fugitive from their paroikoi or one who died without children—or any other monastic movable or immovable property.”²⁹ Though the syntax is convoluted, the clause is clearly aimed at protecting Lavra’s claim to the *property* of paroikoi who might flee their properties or die childless, against the claims of the state to this property.

The conflict between competing claims to the possession of exaleimmata is a phenomenon central to late Byzantine agrarian history. In its simplest form this conflict involved two parties, the state, on one hand, and the relatives or neighbors of a private landowner, large or small, on the other. Over the centuries of Byzantium’s existence practices varied in regard to the claims of lateral and vertical relatives, but it was more or less a consistent rule that the property of a person who died without any heir was appropriated by the state.³⁰ However, the matter became complicated with the evolution of a large dependent peasantry attached to the estates

of large landowners, an agrarian arrangement which had become the dominant form of rural production by the eleventh century. Now interposed between the state and the vast majority of the rural population was a layer of large landowners, each with his own particular legal or customary claims to certain labor and financial resources of a fixed number of peasant households. Consequently, in order to keep their estates and incomes intact, large landowners sought to extend their prerogatives by appropriating the immovable property of heads of paroikos households who died childless or who had abandoned their holdings.

The right of large landowners to keep the exaleimmata of their paroikoi evolved slowly and most likely at different rates of speed for different types of landowners. Alexios I’s 1081 chrysobull for the Amalfitan monastery illustrates one step in the process. Certain paroikoi belonging to the monastery had fled their holdings, and the monastery, faced with paying the taxes of these ἐξηλειμμένοι στασεις, sought and was granted possession of the staseis on condition that it pay the taxes on them.³¹ In some sense this transfer is reminiscent of Basil II’s ἀλληλέγγυον or the old ἐπιβολή, institutions whereby wealthier landowners were held accountable for the taxes on the unproductive properties of their neighbors. However, several features make this 1081 arrangement noteworthy: (1) the staseis were not unproductive; their owners fled them not because of some disaster but because of burdensome taxes; (2) since it required a chrysobull to authorize the transfer, the arrangement was clearly not a standard fiscal procedure; and (3) although the monastery’s only alternative was to pay the taxes on the staseis (as lord of the paroikoi) without enjoying their possession, the monastery nevertheless did ask to have the staseis. From an accountant’s point of view, both parties profited from the transaction; the state continued to receive the tax on the staseis, and the monastery, assuming it could find peasants to rent the staseis, would have an opportunity to recoup its tax payments and even turn a profit. In any event it could lose no more than it would have lost without the special transfer granted by the emperor. Thus an arrangement that could be viewed, like the old *epibolē* or the *allēlengyon*, as a burden, could become a sought-after privilege, all depending on whether or not the landowner felt he could profit from possession of the prop-

²⁸ *Docheiariou*, no. 40, 13–14; τοῦ μύλωνος παντός . . . ὡς ἐξολειμματικοῦ σύν γε πάσῃ τῇ ἐτέρα ὑποστάσει αὐτοῦ, ἐπεὶ ἄπασις ἐκείνος ἐτελεύτησε καὶ ἀκληρονόμητος.

²⁹ *Lavra III*, no. 167, 30–31: . . . ἀποσπᾶσαι ἢ ἀφελῆσθαι ἀφ’ ὧν εἶχον καὶ ἔχουσιν τὸ οἰονοῦσιν, ἢ παροικον αὐτῶν, ἢ ἐκ τῶν αὐτῶν παροίκων τυχὼν φυγὰς γένοιτο, ἢ παιδὰς μὴ ἔχων τελευτήσει, ἢ ἄλλο τι κινητὸν καὶ ἀκίνητον. . . .

³⁰ On this subject, see A. Karpozilos, “Ἀβιωτίκιον,” *Δωδώνη* 8 (1979), 73–80, esp. 77–78; M. Tourtoglou, *Τὸ «Ἀβιωτίκιον»*, in *Xenion. Festschrift für Pan. J. Zepos*, I (Athens, 1973), 633–45; and Zakythinos, *Despotat*, II, 119–20.

³¹ *Lavra I*, no. 43, 6–12. See Svoronos, “Epibolē,” 385 note 54.

erties in question. And as long as the arrangement entailed nothing inherently inimicable to the interests of the state, it required only one more step for the procedure to become a right.

Since one would think that landowners would have had much more success in establishing a right to exaleimmata if the owners of the exaleimmata had been paroikoi of the landowners, the institution of exaleimma probably flourished to the same extent as did the institution of paroikoi. Unfortunately, the meager documentation of twelfth- and early thirteenth-century practices does not allow us to trace the evolution of this right of landowners to appropriate the exaleimmata of their paroikoi. Yet we can detect, by the end of the twelfth century, a growing tendency to grant exaleimmata to monasteries. An act of an anagrapheus from 1175 notes that “for the sake of the four ἔξηλειμμένοι στάσεις in the area of Larymos attributed to the monastery [of St. Paul on Mt. Latros], it ought to give the treasury one nomisma yearly.”³² While there is no indication that the staseis had belonged to paroikoi of the monastery, the context of the document suggests this kind of transfer had become a common fiscal procedure.

The first clear evidence that a monastery was appropriating the exaleimmata of its paroikoi as a matter of course appears in a document from 1280. Against the claims of the monastery of St. Paul on Mt. Latros, the monastery of the Lemvotissa successfully argued before an ecclesiastical court that some olive trees from the exaleimma of a paroikos of Lemvotissa were now παροικικὸν ἐξάλειμμα rightfully belonging to the monastery since they “had been assigned ὑπὸ παροικίαν and through a praktikon to the monastery of the Lemvotissa for the sake of imperial and military taxes.”³³ Thus Lemvotissa had a right to the trees because (1) they were exaleimma of one of its paroikoi, (2) they were listed in the monastery’s praktikon, and (3) the monastery had assumed their tax burden. The process of transfer of exaleimmata from paroikos to monastery had now become commonplace.

It became customary for lay landowners to appropriate the exaleimmata of their paroikoi as well, though perhaps the practice started at a much later

date. As late as 1196 an anagrapheus ordered a woman to surrender the ἔξηλειμμένοι στάσεις he discovered she was holding.³⁴ But by the early fourteenth century it had become commonplace for a lay landlord to keep these staseis for himself.³⁵

Only rarely do we encounter general statements of the rule that exaleimmata of paroikoi should be reassigned to a monastery or lay landowner. The praktika provide some clear examples of it and a great many cases where the practice is implicit.³⁶ Patriarch Athanasios I acknowledged the existence of the practice but disapproved of it, urging that the state or landlord take only a fraction of a childless paroikos’ property, depending on the degree of relation of the surviving relatives.³⁷ In Alexios III Komnenos of Trebizond’s 1364 chrysobull for the Soumela monastery we find an explicit pronouncement that “however many of the reckoned paroikoi of the monastery settled in the imperial ἀκρόστιχα or [“and”?] found on their own hereditary property should happen to die without heir, their said hereditary property shall pass to the monastery without further ado.”³⁸ In Byzantium

³⁴ MM IV 184, 30–33: . . . ὁφείλει δὲ ἀπολύσαι τὰ παρ’ αὐτῆς κατεχόμενα χωράφια τῶν ἐξάλειμματικῶν στάσεων τὰ παρ’ ἐμοὶ διαγνωσθέντα . . .

³⁵ *Docheiariou*, no. 11, 6–7 (1311); no. 40, 13–14 (1370–71), and p. 117.

³⁶ The matter is complicated by the fact that two praktika are required, one which shows a paroikos alive and held by the monastery, and another, later praktikon which shows the monastery holding the exaleimma of that paroikos. For example, cf. *Lavra* III, no. 139, 98–101 (1361) with *Lavra* II, no. 73, 8, 73, 77; no. 74, 54, 57–58, 60; no. 77, 81, 87, 90 (all ca. 1284); and no. 99, 128 (1304). Otherwise, the numerous examples of monasteries holding exaleimmata of dead (ἐκείνος) paroikoi suggests that these paroikoi were once held by the monastery: e.g., *Lavra* II, no. 73, 68–69; III, no. 122, 11–12, 19–20; no. 136, 40–41, 89–90; and no. 138, 9.

³⁷ Zepos, *Ius*, I, 539. *Hexabiblos* V.8.95: Προχείρον Νόμων ἢ ῚΞάβιβλος, ed. K. Pitsakis (Athens, 1971). The patriarch was directing his remarks toward ecclesiastical landowners.

³⁸ MM V 280, 5–9: . . . ὡς ἂν ὅσοι ἐκ τῶν ἀπηριθμημένων παροίκων τῆς μονῆς τῶν εἰς βασιλικὰ ἀκρόστιχα, προσκατημένων ἢ κἂν τοῖς ἰδίοις γονικοῖς γονικαργικῶς εὐρίσκομένων, τύχωσιν ἀποβίωναι ἀκληρονόμητοι, ἐντεῦθεν τὰ διαφέροντα αὐτοῖς γονικά πρὸς τὴν μονὴν ἐπανέλθωσιν ἄνευ τῆς οἰασοῦν προφάσεως. In Trebizond neither the term ἐξάλειμμα nor any of its other forms is attested. Nonetheless, the 1432 chrysobull of Alexios IV and John IV for the Pharos monastery confirms the monastery’s possession of numerous κτήματα, νομαί, and γονικεῖαι which ἐξ ἀπαιδίας [or ἐξ ἀκληρονόμητου] περιελθούσαν τῇ βασιλείᾳ μου: V. Laurent, “Deux chrysobulles inédits des empereurs de Trébizonde,” *ῚΑρχ. Πόντ.* 18 (1953), 258–70, lines 60, 73–74, 83–84, 93–94, 150, and cf. lines 51–53. When other passages, such as τὴν διαφέρουσαν πᾶσαν νομὴν τῷ καστοροφύλακι ἐκείνῳ τῷ καπετανῷ ὡς ἀλληλέγγυον and τὴν νομὴν καὶ γονικεῖαν Θεοδώρου τοῦ Γαβρᾶ ὡς ἀκληρονόμητον, are compared (lines 58–59 and 96–97, and cf. 102–3, 111–12, and 180–85), it seems that in Trebizond the old word ἀλληλέγγυον is not a tax but a characteristic of property. Indeed the

³² MM IV 318, 24–26: χάριν δὲ τῶν ἀνατεθεισῶν τῇ τοιαύτῃ μονῇ τεσσάρων ἐξελλημένων στάσεων ἐν τῇ ἐνορίᾳ τῆς Λαρυμόμου ὁφείλει δίδοναι ἐτησίως πρὸς τὸν δημόσιον νόμισμα ἓν. Cf. MM IV 319–20.

³³ MM IV 94, 8–9. Ostrogorsky, *Quelques problèmes*, 46. Ostensibly, the phrase ὑπὸ παροικίαν reinforces the fact that the olive trees belonged to a paroikos of the monastery. The precise meaning of the phrase is not entirely clear.

proper, however, the situation was generally characterized by little more than imperial acquiescence to the practice.³⁹ The only imperial statement that a particular landowner had a right to exaleimmata is found in the fifteenth-century Gemistos-Plethon dossier. In the series of documents first George Gemistos was granted the exaleimmata in the village of Vrysis, and later his sons Andronikos and Demetrios were respectively granted τὰ ἐκεῖσε ὄντα ἢ καὶ ἐσόμενα ἐξαλειμματικά in Vrysis and τι ἐκεῖσε ἐξαλειμματικόν ἐστὶν ἢ ἔσται in the region of Phanarion.⁴⁰ I think the presence of these clauses in these documents is not attributable to the novelty of a landowner having a right to exaleimmata, but to the nature of George Gemistos' and his sons' lordship over Phanarion and Vrysis. Their somewhat novel position as both lords and governors of these areas had to be defined in terms of a list of rights, among which was the long-established right to exaleimmata.

Even though the tendency was for the exaleimmata of paroikoi to revert to their lord, the state continued to play a major role in transferring and reassigning exaleimmata. These exaleimmata, once discerned, were reassigned to monasteries,⁴¹ lay landowners,⁴² pronoiars,⁴³ and individual paroikoi.

chrysobull for Soumela confirmed the monastery's possession of its paroikoi as well as of its ἀλληλέγγυα καὶ προνοιαστικά δίκαια (MM V 279, 5), and a fragmentary monastic praktikon from the end of the thirteenth century offers the rubric τὰ βασιλικά καὶ νέα ἀλελέγγυα and then a list of paroikikai staseis with names and contents (e.g., ἡ γονικεῖα τοῦ Χασιπούκη . . .): F. Uspenskij, V. Benešević, *Actes de Vazelon* (Leningrad, 1927), no. 105, 65 ff, and cf. no. 105, 27 ff. The simplest explanation of these passages is that a Trapezuntine ἀλληλέγγυον is a property which, along with its tax burden, was transferred by the state from one landowner to another. That this ἀλληλέγγυον and ἐξάλειμμα were analogous terms is an attractive hypothesis, particularly in light of their association in the Marcian Treatise (see note 7 above), but one that cannot be proved.

³⁹ A parallel practice is encountered in Andronikos II's 1307 chrysobull for the see of Kanina and Berat: P. Alexander, "A Chrysobull of the Emperor Andronicus II Palaeologus in Favor of the See of Kanina in Albania," *Byzantion* 15 (1940–41), 181, lines 87–90. Here it is ordered that if a paroikos of the church who has neither wife nor children should commit murder, his movable property is confiscated by the state while his hypostasis (the immovable property) passes to the bishopric (the lord of the paroikos).

⁴⁰ MM III 174, 21 (1428). Sp. Lampros, *Παλαιολογία καὶ Πελοποννησιακά* (Athens, 1912–30), IV, 107–8 (1433). S. Kougeas, *Χρυσόβουλλον Κωνσταντίνου τοῦ Παλαιολόγου*, *Ἑλληνικά* 1 (1928), 374 (1449). MM III 225–26 (1450). Cf. MM III 173–74 (1427), which does not contain any reference to exaleimma.

⁴¹ MM IV 318; 319–320. L. Petit, *Actes de Chilandar, A. Actes grecs, VizVrem* 17 (1911), suppl. 1, nos. 40, 55 (hereafter *Chilandar*). *Zographou*, no. 18. *Lavra* II, no. 111, 20–27. Petit, "Pitié," 39, lines 24 ff.

⁴² Ferrari, "Formulari," 56, no. 18, lines 4–5.

⁴³ *Patmos* B, no. 66. A. Guillou, *Les archives de Saint-Jean-Prodrome sur le mont Ménéce* (Paris, 1955), no. 22. Also, N. Oikonomidès,

koi.⁴⁴ In some cases of course the state simply confirmed a lord's appropriation of the exaleimmata of his paroikoi. Explicit examples of this cannot be found in the praktika. No doubt because it was the most common case, the apographeus had no need to state the origin of the property. He merely confirmed the transfer with an entry such as, Ἐδόθη τὸ ἐξάλειμμα Ἰωάννου.⁴⁵ On the other hand, the converse type of transfer, when an exaleimma held by a monastery was reassigned to a paroikos of the monastery, is documented.⁴⁶ We may imagine a circular process in which (1) a paroikos of a landowner dies or flees, (2) his exaleimma reverts to this lord, and (3) the exaleimma is reassigned to another paroikos of the lord. However, there is no clear documentation for this, and I suspect completion of the circle was more of an accident than a standard procedure. In any event, these were merely transfers between members of the same fiscal unit (paroikos/lord, lord/paroikos). The state had no greater role than to administer and confirm the transfers, usually with an eye to ensuring the integrity of a monastery's income. As zero-sum procedures no external exaleimmata were introduced into the lord's aggregate economic assemblage (i.e., his οἰκονομία).

Yet in a number of cases there is no doubt that the exaleimmata being transferred by the state were not held previously by the recipient. For example,

"A propos des armées des premiers Paléologues et des compagnies de soldats," *TM* 8 (1981), 358, suggests that the γῆς ἐκδόσῳ πλῆθρα χρυσίων δέκα granted to Andronikos III's mercenaries in 1322 were grants of pronoiar consisting of exaleimmata (see *Ioannis Cantacuzeni Eximperatoris Historiarum Libri IV*, I, ed. L. Schopen [Bonn, 1828], 164, 167). This is certainly possible, although Kantakouzenos' ambiguous characterization of the grants (perhaps with reason) lends weight to the possibility that the grants (whether or not in pronoiar) consisted of tax-free property (pronoiar or allodium) confiscated from a few wealthy supporters (pronoiars or chrysouvoulatoi) of Andronikos II.

⁴⁴ *Esphigmenou*, no. 8, 14 ff. *Lavra* II, no. 109, 580, 585–86; III, no. 139, 131–34.

⁴⁵ E.g., *Lavra* III, no. 126, 20 ff.

⁴⁶ *Lavra* III, no. 136, 27–29 (1355): *Lavra* holds the exaleimmatikē hypostasis of John Kalamaras; no. 139, 131–32 (1361): Michael Mavros, a paroikos of *Lavra*, is given the exaleimmatikē hypostasis of Kalamaras. Another possible example: In *Lavra* III, no. 136, 30–31, 33–34, the monastery holds the exaleimmata of the widow Kaligina and of Michael Mourtatios; and in no. 139, 133–34, the paroikos of *Lavra* George Koumpites is given the hypostasis of Kalygina and Mourtatios (line 94, however, throws the identity of these properties into question).

One may also cite *Esphigmenou*, no. 10, a document filled with orthographic errors, in which three paroikoi of the lay landlord Alexios Amnon sell a field to the monastery. The field is described as χωράφιον τὸ δεῖα ἐξηκλήματῳ αὐτοῦ εἶτι ποταὶ τοῦ Μυλλωνά ἐκίνου (no. 10, 6), for which Lefort proposes the reading χωράφιον τὸ διὰ ἐξαλείματος αὐτοῦ [i.e., τοῦ Ἀμνῶν (?)], ἥτοι ποτὲ τοῦ Μυλωνά ἐκείνου. If this was the scribe's intention,

in a Nikaian formula called “Writ for building a *kastron*,” the prospective fort builder requests a *στάσιν ἐξηλειμμένην καὶ ἐλευθέραν*.⁴⁷ In 1261 an official was ordered to the village of Palatia on the Maiandros to locate *exaleimmata* and other “adjusted” properties and to confer them in *pronoia* on several *οἰκιοί* of the emperor.⁴⁸ And in another example involving *pronoia* the emperor in 1327 ordered an official to detach a village from the *οἰκονομία* of Nikephoros Martinos and, in compensation, to give him another property of equal value *ἀπὸ ἐξαλειμματικῶν καὶ ἐλευθέρων τινῶν*.⁴⁹

Since the *exaleimmata* of privately held *paroikoi* tended to revert to the lord of the *paroikoi*, sources of *exaleimmata* for state grants were necessarily circumscribed. Only one source is documented. In 1321 *Lavra* was granted “the *exaleimmatikai staseis* around *Ermeleia* from the *oikonomia* of the dead *Aghiotriadites* which . . . *Konstantinos Palaiologos* held earlier.”⁵⁰ Evidently *Aghiotriadites* held *exaleimmata* in his *pronoia*, and after his death they were reassigned to *Lavra*. These *exaleimmata*, along with every other type of property comprising a *pronoia*, were technically the property of the state, and consequently were the state’s to grant to whomever it pleased.

Another example makes this connection between land held in *pronoia* and state land clearer. In 1317 or a bit earlier *Zographou* asked the *apographeis* *Pharisaïos* and *Pergamenos* to exchange land held by the monastery on the *Vardar* for some property nearer to its *metochion* at *Ierissos*. The

apographeis went to *Ierissos* and found *ἐξαλειμματική γῆ* of a *pronoiar* named *Saravares*. They took the land from *Saravares* and gave it to *Zographou*. In turn, the land on the *Vardar* became imperial domain land (*προστεθεῖσα εἰς τὸ βασιλικὸν ζευγλατεῖον*).⁵¹ The size of *Saravares’ γῆ* (650 *modioi*) rules out the possibility that it was an *exaleimmatikē stasis* of a *paroikos* within *Saravares’ pronoia*, or even a number of such *staseis*. Rather, it is most likely that *Saravares* himself had abandoned the land, it was declared *ἐξαλειμμα*, and the *apographeis* confiscated it, a procedure that conceivably could have been employed with privately owned land as well. Thus it is entirely possible that state *exaleimmata*—pulled from the *oikonomiai* of deceased or disgraced *pronoïars*, or from state domain lands (*βασιλικά ζευγάρια*)—together with an occasional confiscation through *περισσεῖα* or for other reasons, may have proved an adequate source of *exaleimmata* sufficient to account for every documented state transfer of those not involving properties earlier held by *paroikoi* of the recipient.

What did a monastery, a *pronoiar*, a lay landowner, or a *paroikos* who held an *exaleimma* do with it? If the holder of the *exaleimma* wished to keep the property, he could exploit it directly or lease it to others, depending on his economic position. If he did not wish to keep it, there were several avenues available for the private transfer of *exaleimmata*, the range of options determined by the nature of his tenure over the *exaleimma*. Further, if he was the lord of *paroikoi*, the *exaleimma* could be assigned to them.

Transfers of *exaleimmata* between private parties seem to have been subject to no greater restrictions than were imposed on private transfers generally. Sales of *exaleimmata* are only rarely attested; there is one act of sale of *ἐξαλειμματική γῆ* by individuals to a monastery and one reference to a sale of an *exaleimma* to an individual. In neither case is the status of the seller certain.⁵² On the other

then it is possible that after *Mylonas’* death his field reverted to his lord *Amnon* before coming into the possession of *Amnon’s* three *paroikoi*. The problem is that, to my knowledge, the phrase *διὰ ἐξαλείμματος* is otherwise unattested, and, further, one may propose the alternate reading *διὰ ἐκλειώματος* which, as is suggested by the note at the end of this article, could give the key line a very different meaning. Consequently, it is inadvisable to use this document as evidence of the transfer of *exaleimmata* between lord and *paroikos* or as evidence for any other aspect of the institution of *exaleimma*.

⁴⁷ Ferrari, “Formulari,” 56, no. 18, 4–5. I interpret the juxtaposition of *ἐξηλειμμένος* and *ἐλεύθερος* in this document (and of *ἐξαλειμματικός* and *ἐλεύθερος* in the document cited in note 49) as specifying, for administrative purposes, both the origin (state escheat) and status (tax-free) of the properties to be conveyed to the recipient. It is not necessary to conclude from these texts that *ἐξαλείμματα* were, by their nature, *ἐλεύθερα*. Indeed the texts cited in notes 31 and 32 above are indications to the contrary.

⁴⁸ *Patmos* B, no. 66, 1–4: καὶ περιτρεῖσασθαι τὰ ἐν αὐτῷ [χωρῷ] ἅπαντα ὑπάρχοντα ἐξαλείμματα καὶ τὰ ἄλλα πάντα τὰ προσαρμόσαντα . . .

⁴⁹ Guillou, *Prodrome*, no. 22, 26. Also, see *Chilandar*, no. 55, which, despite some problems with the text (cf. lines 4–6 and 8), is another example.

⁵⁰ *Lavra* II, no. 111, 20 ff.

⁵¹ *Zographou*, no. 17, 80–84 (1320); no. 18 (ca. 1320); no. 44, 64–66 (1369); no. 54 (1317). Solovjev-Mošin, *Grčke povelje*, no. 36, 72–77 (1369).

⁵² J. Bompaire, *Actes de Xéropotamou* (Paris, 1964), no. 16 (1312), 73–75, and cf. lines 227–28 (hereafter *Xeropotamou*). The sellers, *Stephanos Saventzes* and his son *Michael*, may have been *paroikoi*, but then the composite document in which their sale is recorded also mentions a donation of a *sevastos* *Michael Saventzes* which took place in 1310 or 1325 (no. 16, 315 ff). Further, a *Michael Saventzes* was a soldier-*pronoiar* in the same area (the *Longos* peninsula) in 1321 (unpub. 1321 *praktikon* from *Xenophon*). Even if all three references are speaking of the same man (though *Saventzes* is not an uncommon name), it is not impossible that the father and son were *paroikoi* in 1312. *Lavra* III, no. 136, 77–78: a *praktikon* listing *Lavra’s* possession

hand, evidence of the donation of exaleimmata to monasteries is not only more abundant, but the status of both donor and donated property is usually stated clearly.

When an exaleimma was donated to a monastery, the nature of the donor's tenure over the property was specified in the act of donation, as was usual in private transactions of all kinds. If patrimony, this fact was affirmed.⁵³ If pronioia, the donor acknowledged that the donated property, technically inalienable, could be held by the monastery only as long as the donor himself, or perhaps his heirs, held the pronioia.⁵⁴ Most donors of exaleimmata were men of some standing, but in at least one case, that of the priest Thomas who donated an ἐξαλειμματική ὑπόστασις to Lavra, it is very possible that the donor was a paroikos.⁵⁵

On the other hand, if one held paroikoi and did not wish to keep the exaleimma, the property could be assigned to a paroikos. Praktikon entries indicating this read, for example: "Michael Mavros has a wife Maria, sons Konstantinos and George, a daughter Anna, a house, a yoke of oxen, an ass, a cow, 5 pigs, and he was given the ἐξαλειμματική ὑπόστασις of Kalamaras in Zeugmata which has 4 modioi of land near water with 2 fig trees, and 200 modioi of arable land. Tax: 4 hyperpyra."⁵⁶ Or more commonly: "Tzermneas Korases has a son Vasi-

on Lemnos of the exaleimma of Thomas Ioannikios, which included arable land, ἀνευ τῆς διαπραθείσης πρὸς τὸν Ἑσκαματισμένον. The land may have been sold prior to Lavra's acquisition of the exaleimma.

⁵³ E.g., Theocharides, Τζαμπλάκωνες, 131, no. 1, lines 8–9: . . . τῶν γονικῶν μου κτημάτων ὧν ἔχω ἀνενοχλήτων καὶ ἐλευθέρων. Cf. P. Lemerle, *Actes de Kutilumus* (Paris, 1946), no. 11, 32–34 (hereafter *Kutilumus*).

⁵⁴ *Docheiariou*, no. 13, 6–7; no. 14, 6: μέχρις ἂν παρ' ἡμῶν ἀμφοτέρων ἡ ἡμῶν κατέχεται πρόνοια. Unpub. 1301 donation of Demetrios Armenopoulos from the archives of Xenophon: μέχρις ἂν τὴν τοιαύτην ἐλεημοσύνην τοῦ . . . βασιλέως εὐρίσκομαι κατέχων. I thank Denise Papachryssanthou for providing me with a transcription of this document. On the relation between ἐλεημοσύνη and πρόνοια in such acts, see *Docheiariou*, p. 124. There are also documents referring to donations post facto of exaleimmata that may have been held in pronioia: *Docheiariou*, no. 15, 15, and no. 22, 6 ff (probably pronioia); and L. Petit, *Actes de Xenophon, VizVrem* 10 (1903), suppl., no. 11, 298–302, and cf. no. 4, 46–47 (almost certainly pronioia) (hereafter *Xenophon*).

N. Oikonomidès, *Docheiariou*, pp. 160–61, has raised the interesting possibility that pronoiars frequently donated the exaleimmata they held in pronioia because they did not know what else to do with such properties. This assumes, perhaps rightly, that it was inconvenient or unprofitable for pronoiars personally to arrange and administer the exploitation of their exaleimmata, a difficulty evidently not shared by monasteries. The present study can throw no light on the issue.

⁵⁵ *Lavra* III, no. 136, 84–85 (1355). Cf. no. 139, 93.

⁵⁶ *Lavra* III, no. 139, 131–32 (1361): . . . ἐδόθη αὐτῷ καὶ ἡ εἰς τοῦ Ζευγματᾶ ἐξαλειμματική ὑπόστασις τοῦ Καλαμαρά, ἧτις

leios, brother Michael, a house, 3 modioi of vineyards from the exaleimma of Slinas. Tax: 1 hyperpyron."⁵⁷ In either case, whether a paroikos held an entire ἐξαλειμματική στάσις or only property from an ἐξαλειμμα, the exaleimma formed part of his taxable property and, as far as I can tell, was assessed at rates comparable to that of any other land or vineyard. If the paroikos was responsible for the tax on the exaleimma, there can be little doubt that he immediately began to cultivate the property. It had become his, and later praktika could omit all mention of his having received exaleimmata.⁵⁸

It seems reasonable to suppose that a great many of the exaleimmata reassigned to paroikoi had temporarily become deserted because of the death or flight of their owners and had consequently fallen out of production. The matter becomes more complicated in cases where the exaleimma was reassigned to a lord (monastery, pronoiar or lay landowner). Some exaleimmata remained in the hands of a lord, without being reassigned to a paroikos, for long periods, even up to a century.⁵⁹ It is difficult to believe that such properties remained unproductive while their lords, like the kin of aging spinsters, vainly sought paroikoi who were willing or could be coerced into accepting them. And if the lord bore a tax obligation on such properties, it would have been simply foolish to let them lie fallow. An excellent example is provided by two documents referred to earlier which confirmed the possessions of the monastery of St. Paul on Mt. Latros. In the first, from 1175, the official writes that "for the sake of the four ἐξηλειμμένοι στάσεις attributed to the monastery in the area of Larymos, it [the monastery] ought to give to the public treasury one nomisma yearly." Fourteen years later, an-

ἐχε. . . . Other examples: *Esphigmenou*, no. 8, 14 ff; *Lavra* II, no. 109, 457–58.

⁵⁷ Dölger, *Sechs Praktika*, RV 199–200 (1341). And from among many other examples: Dölger, *Sechs Praktika*, RV 174–75, V 248–49; *Esphigmenou*, no. 14, 23–25, 43–44; *Lavra* II, no. 109, 287–88, 310, 325, 394–95, 401, 412.

⁵⁸ E.g., cf. *Esphigmenou*, no. 8, 15–17 (ca. 1300) and no. 15, 96–97 (1321); no. 8, 17–18 and no. 14, 131–32 (1318). On the other hand, later praktika can retain the information: cf. *Xeropotamou*, no. 18 D III, 18–19 (ca. 1315–20) with no. 18 E III, 3–4 (ca. 1320–25).

⁵⁹ Cf. *Lavra* III, no. 136, 94–96, 103–5, 105–6, and no. 139, 102–5, 111–13, 113–14 (6 years); no. 126, 24–26 and no. 136, 73–74 (9 years); Solovjev-Mošin, *Grčke povelje*, no. 21, 24–27 and no. 31, 21–22 (11 years); *Xenophon*, no. 4, 46–47 and no. 11, 298–302 (ca. 20 years); Dölger, *Sechs Praktika*, A 156–57, K 261–62, and P 237 f (20 years); *Docheiariou*, no. 15, 15 and no. 22, 25 (28 years); Dölger, *Sechs Praktika*, A 229–30, 234–35, K 353, 360, P 337, 346, and V 181, 186 (40 years); and finally, MM IV 184, 30–33 and 30, 23 ff (ca. 90 years).

other official, again confirming the monastery's possessions, repeats this clause and still refers to the staseis as exaleimmata.⁶⁰ Even if the monastery had spent the intervening fourteen years seeking without success paroikoi to whom to assign the staseis, it is very unlikely that, in the meantime, it would have let the properties remain unproductive while it continued to pay the fisc one hyperpyron per year for them. Generally speaking, the taxes the monastery paid on the staseis made it the owner of the property and gave the monks the right to exploit the property as they saw fit.

In fact there is evidence, meager but conclusive, that properties designated as ἔξαλειμμα could at times be under cultivation. Reference has already been made to the land of Saravares which Zographou received in exchange for property the monastery held on the Vardar. The monks of Zographou had no specific property in mind, merely one near their metochion at Ierissos. So the apographeis Pergamenos and Pharisaïos, while making their rounds in the area of Ierissos, "found ἔξαλειμματικὴ γῆ . . . called 'of Saravaris' which was entirely ἔξαλειμματικὴ and was possessed and worked by the monks of Esphigmenou and the inhabitants of Ierissos."⁶¹ From a series of documents we learn that the land consisted of 653.5 (or 650) mod., had a fiscal value (ποσότης) of 13 hyp., and was held in pronioia by the soldier Saravares.⁶² Earlier I suggested that this land had not been abandoned by owners who were paroikoi but rather by the pronoiar Saravares himself. If so, then it is possible that the Esphigmenitai and the Ierissiotai who were cultivating the land at the time of the exchange had been renting the land from Saravares, and after he "abandoned" it they continued their cultivation of it without interruption. On the other hand, it is also possible that the Esphigmenitai and Ierissiotai were squatters who occupied the land after Saravares had relinquished his control over it (through death, flight, neglect, disgrace, or some other reason). But regardless of the manner in which the land became exaleimma, we have here

an example of land described as "entirely exaleimmatikē" at the very moment it was being cultivated. Thus the designation ἔξαλειμμα did not necessarily mean the property was "abandoned" or "out of production," but only that it had once been "abandoned" by the person who had legally held it. In this case the person who abandoned the land was probably Saravares, a pronoiar, but, as we have seen, the matter usually involved a paroikos "abandoning" his stasis.

One other document indicates that exaleimmata could be productive and perhaps were even generally so. In 1315 Andronikos II wrote to the *megas adnoumiastēs* Manuel Vatrachonites, an official and οἰκείος of the emperor, with the news that the *kathēgoumenos* of Vatopedi had come to him with a complaint. The emperor explained that although the monastery's old properties, as well as its metochion of the Aghioi Anargyroi, were held by the monastery through chrysobull, nevertheless "there are some exaleimmata among these properties in which you [Vatrachonites] have set men, and they rent the exaleimmata of these properties."⁶³ Andronikos then granted the monastery's request that Vatrachonites be ordered "not to take the income of these exaleimmata nor to take anything away from the properties and exaleimmata that the monastery holds."⁶⁴ The issue in this dispute was over who should have possession and use of the exaleimmata found among Vatopedi's other property. Vatrachonites, evidently acting in an official capacity,⁶⁵ believed they should be exploited to the state's advantage, so he rented them out to peas-

⁶⁰MM IV 318, 24–26; 319–20. For text, see note 32 above. There are other examples of exaleimmata being taxed: *Lavra* I, no. 43, 6–12 (1081), and III, no. 165, 39–41 (1420).

⁶¹*Zographou*, no. 18, 11–14 (ca. 1320): εὗρον ἔξαλειμματικὴν γῆν . . . τοῦ Σαράβαρι λεγομένην. ἥτις ἦν πάντῃ ἔξαλειμματικὴ καὶ ἐκρατεῖτο παρὰ τῶν Ἐσφιγμενιτῶν καὶ τῶν Ἐρισιωτῶν καὶ κατεκάμνετο. It must be admitted that there are serious problems with this document. To cite just two, Pharisaïos is called ἐκείνος in the text, and there is an odd shift in the document's voice from third to first person.

⁶²*Zographou*, no. 54, 114–15 (1317); no. 17, 80–84 (1320). Solovjev-Mošin, *Grčke povelje*, no. 36, 72–77 (1369).

⁶³M. Goudas, Βυζαντινὰ ἔγγραφα τῆς ἐν Ἀθῶν ἱερᾷ μονῇ τοῦ Βατοπεδίου (hereafter "Vatopedi"), Ἐπ. Ἐτ. Βυζ. Σπ. 3 (1926), 133–34, no. 7, 6–8: καὶ εἰσι τινὰ ἔξαλειμματα ἐν τοῖς τοιοῦτοις κτήμασιν, εἰς ἅτινα ἔθικας σὺ ἀνθρώπους καὶ ἀπεδεκάτισαν τῶν τοιοῦτων κτημάτων τὰ ἔξαλειμματα. On the date, see F. Dölger in *BZ* 39 (1939), 329 ff. Dölger, loc. cit., and *Regesten der Kaiserurkunden des oströmischen Reiches*, IV (Munich, 1960), no. 2360, interpreted this passage differently. He sought the meaning of the verb ἀποδεκατίζω in the fiscal process called ἀποδεκατισμός 'to subtract one-tenth of the land' (see Dölger, *Beiträge*, 84–86, and *Lavra* I, p. 291). While ἀποδεκατίζω is attested in one type of formulaic construction (e.g., *Lavra* II, no. 90, 68, 156, and cf. no. 90, 130, 207, 226, etc.), it always refers to a mathematical procedure, not an actual parceling of land. On the other hand, the verb ἀποδεκατοῦμαι does occur in the sense "to rent" (*Lavra* I, no. 67, 86–87).

⁶⁴Goudas, "Vatopedi," no. 7, 9 ff: τὴν εἰσόδον τῶν τοιοῦτων ἔξαλειμμάτων. . . .

⁶⁵Other documents involving Vatrachonites in an official role: *Chilandar*, no. 14, and Solovjev, "Documents de Chilandar" (above, note 24), 34. On the office of *megas adnoumiastēs*, see L. P. Raybaud, *Le gouvernement et l'administration centrale de l'empire byzantin sous les premiers Paléologues* (Paris, 1968), 240, and R. Guiland, *Recherches sur les institutions byzantines*, I (Berlin, 1967), 594–96.

ants not associated with Vatopedi, and the consequent "income of these exaleimmata" was received by the state via Vatrachonites. The emperor, however, sided with the monastery; whatever income the exaleimmata produced was Vatopedi's.

This document is important for several reasons. First, it illustrates a conflict between the state and a landowner over control of exaleimmata.⁶⁶ Second, it shows that some exaleimmata produced an income and that this income was derived from renting out the property. Finally, it lays to rest the notion that exaleimmata were, by their nature, "deserted" or "ruined" properties. In fact other documents, which speak of jointly owned properties, indicate that, from the time a property became exaleimma until the time it was firmly in the hands of another owner, there was no intrinsic necessity for the property to pass through any period, however brief, in which it was unproductive or vacant. There is the example of the mill half-owned by a paroikos of Markos syr Mourinos, and half-owned by syr Mourinos himself, which both lord and paroikos rented to the monastery of Xeropotamou. When the paroikos died, his half of the mill became exaleimma and the property of his lord, syr Mourinos.⁶⁷ This "half" of the mill did not become "deserted" nor "fall into ruin"; rather, both "halves" of the mill remained in production without interruption. So while "half" of the mill had been "abandoned" by its owner, through his death, this had an effect only upon the property rights to the mill, not upon the mill itself. Similarly, when the paroikos Konstantinos Skiadas died or fled from the village of Gomatou, it is difficult to imagine how his half-share of a vineyard, which was later assigned to another paroikos, could have ever fallen out of production since the other "half" was owned by his brother Kyriakos who survived him.⁶⁸

⁶⁶ Another manifestation of this conflict appears in the Chronicle of Ioannina, par. XII: L. Vranouses, *Tò xronikòn tòn 'Iωαννίνων κατ' ἀνέκδοτον δημόδη ἐπιτομήν*, 'Επ.Μεσ.Αρχ. 12 (1962), 57–115, and reprinted separately (Athens, 1965). Detailing Thomas Preljubović's tyrannical rule in Ioannina, the author complains that Thomas ἐξεφώνησεν ἐξαλείμματα, a measure designed to enrich the Serbian ruling class. While this was unacceptable to the local population of the city, it is unclear whether the exaleimmata spoken of in the passage were specifically paroikikai staseis held by Greek lords or, more generally, the property of any local landowner who died intestate and without a proper heir. On the phrase itself utilized in the chronicle, cf. τὸ ἀνεκφώνητον κλάσμα and ἐκφωνούμενον λογίσμιον in the Marcian Treatise (Dölger, *Beiträge*, p. 117, lines 27 ff, p. 120, line 17, and p. 146).

⁶⁷ *Docheiariou*, no. 40, 13–14. And see nos. 32, 33, and commentary.

⁶⁸ *Lavra II*, no. 109, 609 and 535 (1321). Cf. no. 91 I, 24 (ca. 1300). There is another possible reconstruction of the events

It seems that, from the point of view of the state, exaleimmata were considered no less productive than any other properties. This conclusion cannot be deduced directly since there is little direct evidence for the productivity of "normal" lands and none for exaleimmata. However, we do have some data for the fiscal assessments on exaleimmata, and these can be compared to the fiscal assessments on "normal" properties.⁶⁹ Table 1 shows that, except for one truly anomalous case (36 mod. of vineyards for 3 hyp.), the fiscal assessment rates for exaleimmatika land and vineyards were comparable to those for "normal" land and vineyards.⁷⁰ Therefore, it is quite likely that these properties were regarded by the apographeis as economic instruments not at all inferior to "normal" properties. The lone assessment on a "dry" or "barren" vineyard (χερσάμπελον) is suggestive in light of this because it indicates that an exaleimma could be designated as "temporarily out of production," or "fallow," and

suggested by these lines. Since Konstantinos had owned a mill in Gomatou, and since in 1321 Kyriakos and Maria Platano, the paroikos who was assigned Konstantinos' half-share of the vineyard, both owned half-shares of mills, it is conceivable that Konstantinos' mill as well as a vineyard were divided at his death, half going to his lord the monastery (and then to another paroikos), the other half to one of his brothers. Of course there is no indication that Kyriakos and Maria had interests in the *same* mill. And in any event, there is no evidence of lateral inheritance in regard to the estates of paroikoi who died childless and without a surviving spouse (in fact, for evidence to the contrary, see *Docheiariou*, no. 11).

⁶⁹ Another method would be to compare figures for the sale of exaleimmata and other properties. Unfortunately, there is only one figure available for the sale price of an exaleimma. In 1312, 15 mod. of ἐξαλειμματική γῆ, in two parcels, were sold to a monastery for δουκάτων οὐγγίας πέντε (*Xeropotamou*, no. 16, 73–76, and commentary, pp. 113–15). This implies a rate one-half to one-third of that for which average land was normally sold.

⁷⁰ Using these figures, we can then explain more complicated composite assessments. For example, *Esphigmenou*, no. 14, 215–17: 6 mod. of exaleimmatika vineyards and 656 mod. of exaleimmatikē land were assessed at 14½ hyp. Dividing, respectively, by 4 and 50, and then rounding down, we get 1½ + 13 = 14½.

The typikon of the monastery of Lips, refounded by Michael VIII's wife, Theodora, in the late thirteenth century, provides some interesting figures. Theodora's mother donated numerous parcels of ἐξαλειμματική γῆ totaling 500 mod. with a fiscal assessment of 18 hyp. (therefore, 27.8 mod./hyp.), as well as another 1400 mod. of ἐξαλειμματική γῆ assessed at 42 hyp. (33.3 mod./hyp.). Two other quantities of gē, listed along with their fiscal assessments, were given to the monastery: 2200 mod. at 100 hyp. (22 mod./hyp.) and 700 mod. at 28 hyp. (25 mod./hyp.). Delehaye, *Deux typica* (above, note 25), 132–33, lines 46 and 48. Since these figures do not reflect the devaluations of the hyperpyron at the end of the thirteenth and the beginning of the fourteenth centuries, they were not included in Table 1. Further, there is an error in the addition or in the figures in line 48 (where the exaleimmata are mentioned). In any event, the calculated range, 22 to 33.3 mod./hyp., is proportionately well within the acceptable range for fiscal assessments of land of first, second, and third quality.

TABLE 1
FISCAL ASSESSMENT RATES FOR EXALEIMMATA—MACEDONIA, 1318–1341

| | area (modioi) | assessment (hyperpyra) | calculated assessment rate (mod./hyp.) |
|------------------------------|------------------|---------------------------|--|
| arable land ^a | 650 | 13 | 50 |
| | 50 | 1 | 50 |
| | 48 | $\frac{2}{3}$ | 72 |
| | 70 | $1\frac{1}{2}$ | 47 |
| | 33 | $\frac{2}{3}$ | 50 |
| totals | 851 | $16\frac{5}{6}$ | 50.6 |
| vineyards ^b | $1\frac{1}{2}$ | $\frac{1}{2}$ | 3 |
| | 4 | 1 | 4 |
| | 2 | $\frac{1}{2}$ | 4 |
| | 2 | $\frac{1}{2}$ | 4 |
| | 5 | $1\frac{1}{4}$ | 4 |
| | 54 | 12 | 4.5 |
| | 5 | 1 | 5 |
| | 36 | 3 | 12 |
| totals | $109\frac{1}{2}$ | $19\frac{3}{4}$ | 5.5 |
| “dry” vineyards ^c | 4 | $\frac{1}{2}$ | 8 |

typical fiscal assessment rates on “normal” properties:^d
arable land of mixed quality—50 mod./hyp.
vineyards—4 or 5 mod./hyp.

Data: ^a*Zographou*, no. 17, 84. P. Schreiner, “Zwei unedierte Praktika aus der zweiten Hälfte des 14. J.,” *JÖB* 19 (1970), 38, lines 26–27. Unpub. 1321 praktikon for Nikolaos Maroules.

^bUnpub. 1321 praktikon for Michael Saventzes: This document provides the first row of vineyard figures. The assessment in the text is actually $\frac{1}{3}$ hyp. calculated ἀντὶ οἰκουμένου (on this term see N. Oikonomidès, “Notes sur un praktikon de pronoiaire,” *TM* 5 [1973], 341–44). From other examples in this praktikon, the ἀντὶ οἰκουμένου figure represents two-thirds of the full normal assessment. Dölger, *Sechs Praktika*, V 395–96, RV 230–31, RK 232–36. *Zographou*, no. 17, 71–72. *Esphigmenou*, no. 14, 205–7, 210–12.

^c*Zographou*, no. 29, 86.

^dJ. Lefort, “Fiscalité médiévale et informatique,” *RH* 512 (1974), 333–46. *Lavra* IV, pp. 158 and 162, note 618. E. Schilbach, *Byzantinische Metrologie* (Munich, 1970), 252–53.

thereby be assessed at a lower rate than other exaleimmata.

I speak of “fiscal assessment rates” rather than “tax rates” because the majority of known exaleimmata, including every example in Table 1, were exempted from the basic tax on property. This is because they were held by pronoiars, who by definition paid no land taxes, and by privileged monasteries,

which held nearly all of their properties tax-exempt during the period in which the documentation on exaleimma is most abundant. In the praktika of pronoiars a fiscal assessment figure is found next to every possession of the pronoiar: paroikoi, property including exaleimmata, and supplemental charges. None of these charges went to the state treasury, but rather, in sum, they represented the

ποσότης of the pronoiar's οἰκονομία, the quantity of fiscal revenue ceded to the pronoiar by the emperor. Tax assessment figures on property were utilized in these praktika because, unlike estimated production figures based on hypothetical rental incomes, they were easy to calculate and were not dependent on production efficiency or other variables. In the four lay praktika that definitely contain exaleimmata,⁷¹ an assessment is found next to each exaleimma (or group of exaleimmata), and, as far as we can tell, the rate of assessment on these exaleimmata was the same as that used for the other properties in the praktika.

Turning to monasteries, we see that some monastic praktika provide fiscal assessments on all or nearly all the properties held by the monastery, while others provide no figures at all. Yet, with only rare exception, every praktikon that includes lists of paroikoi offers tax assessments for the holdings of each individual paroikos household. The reason for this is that the tax on a tax-exempt monastic property was, technically, paid by the monastery to itself. In other words, it was a fictional figure which could be omitted from the praktikon or included as a sign of the emperor's beneficence toward the monastery in ceding it this fiscal revenue.⁷² On the other hand, since the παροικικὸν τέλος was paid by the paroikos to the monastery, the monastery needed precise figures, and so the apographeis obligingly provided them.⁷³ When exaleimmata appear in a monastic praktikon, they are treated no differently than other property held by the monastery: if the praktikon provides fiscal assessment figures for "normal" properties, it also provides them for exaleimmata. If it does not, then neither are the exaleimmata given assessments.⁷⁴

⁷¹ For Manuel Berilas (P. Schreiner, "Zwei unedierte Praktika aus der zweiten Hälfte des 14. Jahrhunderts," *JÖB* 19 [1970], 37–39), Michael Monomachos (*Zographou*, no. 29), Nikolaos Maroules (unpub. 1321 praktikon from Xenophon), and Michael Saventzes (unpub. 1321 praktikon from Xenophon). I thank Denise Papachryssanthou for her kindness in providing me with transcriptions of the praktika for Saventzes and Maroules.

⁷² See Dölger, *Sechs Praktika*, p. 15.

⁷³ This distinction between παροικικὸν τέλος figures and property fiscal assessment figures is seen in the way the data are presented in the praktika. The tax on paroikoi is usually presented in the form Ἰωάννης . . . τέλος ἐν ὑπέρπυρον, whereas for property, we usually read ὑπὲρ τῆς γῆς . . . ἐν ὑπέρπυρον or γῆ . . . εἰς ἐν ὑπέρπυρον.

⁷⁴ There is one weak exception: *Lavra* III, no. 164. Documents (praktika and others) that list exaleimmata held by monasteries and that assess the (tax-exempt) property of the monastery: *Lavra* II, no. 109; *Xeropotamou*, nos. 10, 18; Dölger, *Sechs Praktika*, A, K, P, V, RK, RV; *Zographou*, nos. 15, 17; *Esphigmenou*, nos. 14, 16; Mošin, "Akti," 214. In two documents, exaleimmata held by a monastery are taxed, and the assessment is

Paroikoi were the only landowners who regularly paid the tax on exaleimmata or on property ἀπὸ ἐξάλειμματος found within their staseis. Of course, due to the nature of the documents at our disposal, all such paroikoi paid their telos to their landlord, whether a monastery or a pronoiar. As was pointed out earlier, it is clear that exaleimmata held by paroikoi were counted in the assessment of their staseis. There are numerous examples in which the level of the τέλος levied on a paroikos cannot be explained without counting the exaleimmata, and at a rate equivalent to the rate for the "normal" arable land and vineyards the paroikos owned.⁷⁵ The point is that there is no observable difference between the fiscal assessment rates and the general tax liability for exaleimmata, on one hand, and for "normal" properties on the other.

The documents provide enough data to enable us to profile the characteristics of exaleimmata and to suggest patterns for the transference within the agrarian population of property rights over them. In order to do this, it is necessary to discuss the terminology pertaining to exaleimmata and to preface this discussion with a few observations on methodology.

To begin, it is axiomatic that we should not expect the term ἐξάλειμμα to have been used with any more precision than any other term found in the documentary sources. As a rule, terms that determine the fiscal assessment of property, such as descriptive terms denoting quality ("rocky," "marshy," "first quality," etc.), quantity (area), and type of property (vineyard, garden, etc.), display the most precision in use. Terms that serve simply to identify property, such as those denoting origin (ἀπὸ προσενέξεως, ἀπὸ παραδόσεως, ἀπὸ τῆς γονικῆς γῆς, ἐκ προικός, etc.) and location (e.g., πλησίον τοῦ Ἰωάννου), are used less carefully.⁷⁶ Since properties designated ἐξάλειμματα were assessed at rates comparable to "normal" properties, I assign ἐξάλειμμα and related terms to the second category. Ἐξάλειμμα identified a property by means

given: MM IV 318 (and cf. 319–20) and *Lavra* III, no. 165. Documents that list exaleimmata held by a monastery and that do not provide assessments for any of the monastery's properties: *Lavra* II, nos. 73, 74, 77, 101, 108, 111; III, nos. 122, 126, 136, 138, 139; *Zographou*, no. 21; *Chilandar*, nos. 38, 40, 55; *Docheiariou*, nos. 15, 22; *Xenophon*, no. 7; *Kutlumuş*, no. 11; Solovjev-Mošin, *Grčke povelje*, nos. 21, 31; MM V 84.

⁷⁵ E.g., Dölger, *Sechs Praktika*, RV 199–200; *Lavra* II, no. 109, 457–58; III, no. 139, 131–32; *Esphigmenou*, no. 8, 14 ff; no. 14, 43–44.

⁷⁶ Numerous designations of this type, some quite elaborate, occur in *Chilandar*, no. 92. Also, see Laiou, *Peasant Society*, 54–55, 189 and note 74.

of its origin, and, as such, the designation could be omitted.⁷⁷

This can explain why the exaleimmata held by some paroikoi lose this designation in later praktika, while for other paroikoi the designation of some of their property as ἐξάλειμμα is maintained through later praktika.⁷⁸ Similarly, when the exaleimmata held by monasteries lose this designation in later praktika, it seems likely that this was because the phrase στάσις τοῦ Ἰωάννου identified the property just as adequately as ἐξαλειμματική στάσις τοῦ Ἰωάννου.⁷⁹ In fact one may proceed further and suggest that many of the properties known only through the form στάσις τοῦ Ἰωάννου were exaleimmata. The evidence for this is derived from two types of listings. In one, a document which lists a series of staseis, sometimes describing their contents in great detail, identifies them as exaleimmata only with a blanket phrase at the head of the list or elsewhere in the document, at times almost casually.⁸⁰ In the other type of listing, staseis are

not designated as exaleimmata, but the context suggests that they were. The best example of this is found in the praktikon for John Margarites.⁸¹ The organization of the properties, rights, and incomes conferred upon Margarites is interesting. The praktikon lists by village the paroikoi (with property and telos) assigned to Margarites. At the end of the list of paroikoi for each of several villages, the listing continues with properties called στασία, identified by name (τοῦ Ἰωάννου) and with contents (immovable property only) and fiscal assessment (εἰς ὑπέροπυρα) noted. While it is not common to find *anything* included at the end of lists of paroikoi, whenever it does happen these properties are exaleimmata.⁸² Therefore I conclude that there is a strong possibility that some or even all of the staseis Margarites received were in fact ἐξαλειμματικαὶ στάσεις, and that *any* στάσις τοῦ Ἰωάννου held by a landlord could conceivably be an ἐξαλειμματική στάσις.⁸³ By the same token, when a stasis or property once designated as ἐξάλειμμα loses this designation in later documents, there is no reason to conclude that the stasis or property had changed in any way whatsoever.⁸⁴

⁷⁷ At times it is difficult to know whether the term ἐξάλειμμα is being used carelessly or in "an extended application of the concept" (I am recalling one of Ostrogorsky's comments about the term "pronoia" in "Observations on the Aristocracy in Byzantium," *DOP* 25 [1971], 22). For example, in Monomachos' praktikon the charges called the *zeugaristikion*, the *kaniskion*, the *choirodekateia* and the *aēr* were included among τὰ τῶν ἐξαλειμμάτων which he held in his *oikonomia* (*Zographou*, no. 29, 84–92). And in some of the fourteenth-century praktika for Iveron the assessment ὑπὲρ τῶν ἐξαλειμμάτων repeatedly includes the fiscal assessments for *all* of the monastery's lands (see Dölger, *Sechs Praktika*, pp. 14–15 and note 34). Such passages raise questions I cannot answer.

⁷⁸ *Esphigmenou*, no. 8, 14 ff; no. 14, 131–32; no. 15, 93–94, 96–97; no. 16, 64, 66. *Xeropotamou*, no. 18 D III, 18–19; no. 18 E III, 3–4.

⁷⁹ Cf. *Lavra* III, no. 136, 34–35, 84–85, with no. 139, 92–93. There is one example in which the same property is possibly called both a στάσις and an ἐξαλειμματική στάσις in the same document: Dölger, *Sechs Praktika*, A 155–56 and 229–35. Of course some of these instances could be due merely to scribal error.

⁸⁰ *Docheiariou*, nos. 15, 22. Unpub. 1301 donation of Demetrios Armenopoulos: here the individual staseis are described as βοϊδατική, ἀκτιμονική or ὑπάμπελος. *Chilandar*, no. 40. A note on this last document is necessary. It is a detailed list from around 1320 of ten ἐξαλειμματικὰ στασία extracted from the θέσις of the apographeis Alyatos and Theodore Spastrikos and conferred upon Chilandar. A. Laiou, *Peasant Society*, 57, has written that none of these staseis was clearly deserted at the time of the transfer and that one of them was clearly occupied at the time. She argues that a certain Theodore Thraskeus was alive and occupying one of the staseis because (1) one stasis is called στασίον Θεοδώρου τοῦ Θρασκέως (*Chilandar*, no. 40, 254); (2) Theodore is never designated as ἐκείνος, while others in the document are; and (3) the document notes that Theodore was holding land jointly with his dead uncle (no. 40, 115–16: κατεχομένης παρὰ τοῦ ἀνεψιοῦ αὐτοῦ Θεοδώρου τοῦ Θρασκέως). However, as I have already argued, στάσις τοῦ Ἰωάννου, if it has any firm meaning, means "stasis which once belonged to John." If it is an exaleimmatikē stasis, then it means "stasis aban-

doned (for whatever reason) by John." Further, while ἐκείνος next to an individual's name usually means the person was deceased, lack of the designation does not necessarily mean that he was alive. Finally, the present participle κατεχόμενος (and not κατασχόμενος, κατεσχήμενος, or anything more exotic) is routinely used even when the person holding property is clearly dead. Thraskeus' deceased uncle is similarly described as "holding" land jointly with his nephew (no. 40, 257: κατεχομένης παρὰ τοῦ εἰρημένου θείου αὐτοῦ τοῦ Βητάλη ἐκείνου).

I view these ἐξαλειμματικὰ στασία as properties that had been abandoned by their paroikos-owners many years earlier. The detailed descriptions of their staseis were evidently drawn from praktika of an even earlier date. The only conclusion that can be drawn about the status of the staseis in 1320 is that at the time of the transfer they were not owned by paroikoi. Nothing in the document suggests they were occupied or unoccupied, cultivated or uncultivated.

⁸¹ P. Lemerle, "Un praktikon inédit des archives de Karakala [janvier 1342] et la situation en Macédoine orientale au moment de l'usurpation de Cantacuzène," *Χαριστήριον εἰς Α. Κ. Ὁγλάνδον*, I [Athens, 1965], 281–86.

⁸² See *Chilandar*, no. 38, 97–99, 149–50; Dölger, *Sechs Praktika*, V 395–96; *Xeropotamou*, no. 18 D III, 20–22; and also, Solovjev-Mošin, *Grčke povelje*, no. 21, 24–27, 39.

⁸³ The other way to look at Margarites' staseis is to ask: What kind of stasis could a person receive from the emperor other than an exaleimmatikē stasis? Assuming that it was almost inconceivable for a paroikos to sell or donate his entire stasis to a lord or to the state, then, regardless of how the state came into the possession of a paroikikē stasis, the stasis necessarily would have been at some point "abandoned" by its paroikos-owner.

⁸⁴ Lefort, *Esphigmenou*, p. 119, points out that some vineyards described as ἐξαλειμματικά in 1318 were designated three years later as συστηματικά ἀμπέλωνα (*Esphigmenou*, no. 14, 205–7; no. 16, 77–78) and wonders whether this meant that the vineyards had returned to production. This is possible, but then one must explain why the exaleimmatika vineyards possessed a normal

Nevertheless, an examination of the terminology involving exaleimma provides useful information about the institution. I begin with the most common manifestations of exaleimmata, the collections of individual properties which are designated in any of several ways: ἐξάλειμματική στάσις (or the variants, στασιόν and στασειόν), ἐξάλειμματική υπόστασις, and ἐξάλειμμα. Almost always there is a name attached which identifies the property as having once belonged to a particular paroikos (ἐξάλ. στάσις τοῦ Ἰωάννου).⁸⁵ Since nearly all these collections of properties had once comprised paroikikai staseis, it is not surprising that they contain the same range of property as paroikikai staseis, with the exception that they never contain movable property (i.e., animals). A list of attested properties is extensive: arable land (γῆ, χωράφιον, ἐσωθύριον, καναβοτόπιον), vineyards of various types (ἀμπέλιον, ἀμπελοτόπιον, ἀμπελοπεριβόλιον, ἐξάμπελον, χερσάμπελον), gardens (περιβόλιον, ἐσωπεριβόλιον, κηπωρεῖον, κηποτόπιον, αὐλοτόπιον, αὐλή), fruit trees, mills (μύλων, ἀνεμομύλων), animal pens (μανδροτόπιον), wine vats (ληνός), and buildings (οἰκοτόπιον) including houses (οἴκημα).⁸⁶ These collections could also contain property from other exaleimmata,⁸⁷ and they could be jointly owned. For example, a monastery held τὴν ἡμίσειαν ἐξάλειμματικὴν ὑπόστασιν Μιχαὴλ τοῦ Μιχαλοῦδη.⁸⁸

Ἐξάλειμματική στάσις and ἐξάλειμματική υπόστασις are identical terms representing an evolution of terminology. The former does not appear after 1348; the latter first appears in 1334.⁸⁹ Therefore both will henceforth be referred to simply as exaleimmatikai staseis. Ἐξάλειμμα was at times synonymous with ἐξάλειμματική στάσις, that is, a whole παροικική στάσις that had become ἐξα-

λειμματική,⁹⁰ but it seems that the term ἐξάλειμμα was also used to denote exaleimmatikai staseis that had some of their immovable contents removed.

This conclusion is suggested by Table 2 which displays mean contents of exaleimmatikai staseis and exaleimmata based on their two most common constituent elements, arable land and vineyards. The data for Macedonia and Lemnos have been separated because of the much larger size of paroikikai staseis on Lemnos in general. We see that in both Macedonia and Lemnos attested exaleimmata contained, on the average, smaller quantities of land and vineyards than exaleimmatikai staseis in these areas. However, the .95 confidence interval of the individual means is never narrower than $\bar{X} \pm .28\bar{X}$ (where \bar{X} is the arithmetic mean of a sample),⁹¹ nor does a *t*-test show statistically significant differences between the means of the property in exaleimmatikai staseis as compared to exaleimmata.⁹² This means that the calculated means, by themselves, should be taken only as very rough approximations of the true mean content of exaleimmatikai staseis and exaleimmata, and that we must seek other evidence for real differences between exaleimmatikai staseis and exaleimmata.

Such evidence is provided by the data summarized in Tables 3 and 4. While the means in Table 3, due to the variability and small size of the samples, cannot be regarded as adequate approximations of the true mean fiscal assessments on exaleimmatikai staseis and exaleimmata in Macedonia, a *t*-test shows the difference between the means is significant beyond the .05 level. Thus, since it is probable that the mean fiscal assessment on exaleimmatikai staseis was larger than the mean fiscal assessment on exaleimmata, it is likely that, on the average, exaleimmatikai staseis were larger than exaleimmata. Further, Table 4 shows that attested exaleimmatikai staseis in Macedonia and in Byzantium as a whole were much more likely to have their contents described in the documents than were exaleimmata, a finding we would expect if exaleimmatikai staseis were generally larger than exaleimmata. There can be only two reasons for this apparent difference in the mean sizes of exa-

fiscal assessment in 1318 (5 mod./hyp.). One notes that in 1321 there were now 6 mod. of συστηματικά vineyards assessed at 1½ hyp. Perhaps the term σύστημα, which can be applied to property in general (see Lemerle, "Praktikon," p. 282, line 6; p. 285, lines 46–47; and p. 287), simply connoted expanded or more intensive production.

⁸⁵ There is a single occurrence of the form, (property) τοῦ Κοκκίνου τοῦ ἐξάλειμένου [*sic*] (*Xeropotamou*, no. 16, 225–26). Evidently this is equivalent to ἐξάλειμμα τοῦ Κοκκίνου.

⁸⁶ Ἀνεμομύλων, μανδροτόπιον: *Lavra* III, no. 136, 33–34. Ἐξάμπελον, ληνός, οἰκοτόπια: *Lavra* III, no. 164. Οἴκημα: *Chilandar*, no. 92. Αὐλοτόπιον: *Chilandar*, no. 55. Καναβοτόπιον: *Docheiariou*, no. 15.

⁸⁷ *Lavra* III, no. 136, 27–29, 79–80.

⁸⁸ *Lavra* III, no. 136, 93.

⁸⁹ Solov'jev-Mošin, *Grčke povelje*, no. 21, 24 (1348). *Lavra* III, no. 122, 11 (1334). There is always an exception: MM III 174, 21 (1429); 226, 15–16 (1450); and Kougeas, "Chrysobull," 374, 17 (1449). All from the Gemistos-Plethon dossier.

⁹⁰ E.g., cf. Dölger, *Sechs Praktika*, V 395–96, with the parallel passages in K and P.

⁹¹ E.g., the .95 confidence interval for the mean quantity of arable land in Macedonian exaleimmatikai staseis is 52.0 ± 15.2 mod.

⁹² I.e., the *t* falls short of the .05 level of significance, the standard chosen for this study.

TABLE 2
MEAN CONTENTS OF EXALEIMMATIKAI STASEIS AND EXALEIMMATA

| Macedonia, ca.1300–1341 (83% held by monasteries and pronoiars) | | | |
|---|---|------------------------------------|--------|
| | exaleimmatikai staseis number of cases = 31 ^a | exaleimmata n = 9 ^b | total |
| arable land | 52.0 mod. | 22.6 mod. | 45.4 |
| vineyards | 2.2 | 1.25 | 2.0 |
| “dry” vineyards, gardens, etc. | traces | — | traces |
| Lemnos, ca. 1346–1415 (all held by Lavra) | | | |
| | exaleimmatikai staseis n = 6 ^c | exaleimmata n = 15 ^d | total |
| arable land | 125.1 | 107.8 | 112.8 |
| vineyards | 3.9 | 2.3 | 2.8 |
| “dry” vineyards | — | 2.0 | 1.4 |

Data: ^a*Lavra* II, nos. 109, 111. *Esphigmenou*, no. 8. Dölger, *Sechs Praktika*, A. *Docheariou*, no. 15. *Chilandar*, no. 40. Schreiner, “Zwei Praktika.” Unpub. 1301 donation of Demetrios Armenopoulos, Mošin, “Akti,” 214.

^bDölger, *Sechs Praktika*, V. *Xeropotamou*, no. 18. Unpub. 1321 praktikon for Nikolaos Maroules.

^c*Lavra* III, nos. 136, 139, 164.

^d*Lavra* III, nos. 122, 126, 136.

TABLE 3
MEAN FISCAL ASSESSMENTS ON EXALEIMMATIKAI (HYPO)STASEIS
AND EXALEIMMATA—MACEDONIA, 1300–1420

| | |
|---|---------------|
| exaleimmatikai staseis number of cases = 6 | 1.8 hyperpyra |
| exaleimmata n = 16 | .7 |

Data: *Lavra* III, no. 165. Dölger, *Sechs Praktika*, A, V. *Zographou*, nos. 15, 29. *Esphigmenou*, no. 14. *Xeropotamou*, no. 18. Schreiner, “Zwei Praktika.” Mošin, “Akti,” 214. Unpub. 1321 praktikon for Nikolaos Maroules.

leimmatikai staseis and exaleimmata. Either the term ἔξάλειμμα was used to describe small staseis, or ἔξάλειμμα was used to designate both staseis in general and staseis that had lost some of their original immovable property (and hence were no longer whole exaleimmatikai staseis). The first possible

reason can be discounted on the basis of comparative ranges of sizes. The smallest exaleimmatikē stasis in Macedonia had ¾ mod. of vineyards and nothing else (on Lemnos, a half-share of 100 mod. of land and nothing else), while the largest exaleimma in Macedonia had 70 mod. of land (Lem-

TABLE 4
PERCENT OF EXALEIMMATIKAI (HYPO)STASEIS AND EXALEIMMATA
WITH CONTENTS DESCRIBED, 1284–1420 (BASED ON 100 CASES)

| | Macedonia | all areas |
|------------------------------|-------------------|-------------|
| exaleimmatikai (hypo)staseis | 97% (35 cases) | 76% (41) |
| exaleimmata | 34% (10) | 57% (26) |
| | total | 67% (67) |

Data: *Lavra* II, nos. 73, 109, 111; III, nos. 122, 126, 136, 138, 139, 164, 165. Dölger, *Sechs Praktika*, A, V. *Esphigmenou*, nos. 8, 14. *Xeropotamou*, no. 18. *Zographou*, no. 29. *Docheiariou*, no. 15. Schreiner, "Zwei Praktika." Unpub. 1301 donation of Demetrios Armenopoulos. Unpub. 1321 praktikon for Nikolaos Maroules. Mošin, "Akti," 214.

This table includes only exaleimmatikai staseis and exaleimmata that (a) are identified by name and (b) are found in documents which provide size descriptions of other properties. Some documents (*Lavra*, no. 109, 981; Dölger, *Sechs Praktika*, A 157; *Esphigmenou*, no. 14, 186; no. 16, 67; *Xeropotamou*, no. 10, 39–42) refer to unenumerated exaleimmata under the form ὑπὲρ τῶν διαφορῶν ἑξαλειμμάτων νομίσματα δέκα. This means that the actual percentages for exaleimmata were probably even lower.

nos: 120 mod. of land and 15 mod. of vineyards).⁹³ In other words, large exaleimmata were much bigger than small exaleimmatikai staseis, and thus, if there is any difference between exaleimmata and exaleimmatikai staseis, then it is because exaleimmata were collections of properties from exaleimmatikai staseis that were no longer "intact."

Since all exaleimmatikai staseis were once paroikikai staseis, the mean quantity of any particular type of property in all exaleimmatikai staseis was equal to the mean quantity of that type of property in all those paroikikai staseis that contained immovable property (and could then, by definition, become exaleimmatikai staseis). However, when our sample of exaleimmatikai staseis (Table 2) is compared to a sample of paroikikai staseis containing immovable property from the class of the largest attested paroikikai staseis, that is, those held by lay

pronoiers (Table 5), different results are obtained. While neither the apparent difference between the mean quantities of arable land and vineyards for exaleimmata and these paroikikai staseis nor the difference between the mean quantities of vineyards for exaleimmatikai staseis and these paroikikai staseis is statistically significant (at the .05 level), a *t*-test shows the difference between the means of arable land in exaleimmatikai staseis and in these paroikikai staseis is significant beyond the .001 level. In other words, it is almost certain that the mean quantity of arable land in all the exaleimmatikai staseis that were *ever* described in the sources was greater than the mean quantity of arable land in those paroikikai staseis that contained immovable property. I would suggest that this is because the larger an exaleimmatikē stasis (or exaleimma) was, the more likely it was to have its contents detailed (and thereby be included in Table 2), and the more likely it was that a monastery or other landlord would keep the stasis for himself (and not reassign it to paroikoi), with the result that the stasis would continue to appear in praktika (and in Table 2). As

⁹³ Unpub. 1301 donation of Demetrios Armenopoulos. *Lavra* III, no. 136, 84–85. Unpub. 1321 praktikon for Nikolaos Maroules. *Lavra* III, no. 136, 105–6. Rankings are based on a hypothetical fiscal assessment utilizing the standard rates of 1 hyp. per 50 mod. of land, and 1 hyp. per 4 mod. of vineyards.

TABLE 5
MEAN CONTENTS OF PAROIKIKAI STASEIS CONTAINING IMMOVABLE PROPERTY
AND HELD BY LAY PRONOIARS—MACEDONIA, CA. 1325

| | arable land (mod./stasis) | vineyards (mod./stasis) |
|----------------------------|------------------------------|----------------------------|
| paroikikai staseis held by | | |
| Maroules | 32.9 | 1.85 |
| Saventzes | 21.3 | 1.65 |
| Berilas | 4.3 | 1.0 |
| Monomachos | 27.2 | unknown |
| overall | 24.8 | 1.6 |

Data: Unpub. 1321 praktika for Nikolaos Maroules and for Michael Saventzes. Schreiner, "Zwei Praktika." *Zographou*, no. 29.

we shall see, the implications of this for understanding the disposition of exaleimmata are significant.

Even though there are not enough data to compare the average fiscal assessments of exaleimmatikai and paroikikai staseis, it is possible, through the use of anecdotal evidence, to observe that the rates of fiscal assessment were equivalent. For example, a 1341 praktikon for Iveron lists two exaleimmata in the village of Xylorhegio near Thessaloniki. One, "of Stamates," had a vineyard of 4 mod. and was assessed at 1 hyp.; the other, "of Komitzianos," had a vineyard of 2 mod., and its corresponding fiscal assessment was ½ hyp.⁹⁴ The implicit fiscal assessment rate (4 mod. vineyards/hyp.) agrees with the normal tax rate at that time on vineyards.⁹⁵ Further, the same village also contained two paroikikai staseis which each possessed a house and, respectively, 2 and 4 mod. of vineyards. The telos of these households is ½ and 1 hyp. From this example it appears that the apographeus used the same rates for assessing vineyards found in both paroikikai and exaleimmatikai staseis.

In addition to exaleimmatikai staseis and exaleimmata, there were also individual exaleimmatika properties which were designated using two different forms. Most commonly such a property is qualified with the phrase ἀπὸ (τοῦ) ἑξαλειμματος or ἀπὸ (τοῦ) ἑξαλειμματικῆς (ὑπο)στάσεως, and

occasionally the original owner of the property is specified (τοῦ Ἰωάννου). All of these phrases were synonymous,⁹⁶ and evidently they served to identify the origin of the property. It is significant that although the ἀπὸ ἑξαλειμματος form is very frequently encountered, its currency in the documents is restricted to the period from 1318 to 1341, which suggests that, as a phrase of identification, its use was a passing fashion which could just as well be omitted. Fields (χωράφια) and vineyards are the properties listed most frequently as ἀπὸ ἑξαλειμματος, though the designation of trees, agricultural plots near a dwelling (ἐσωθύριον), gardens (περιβόλιον),⁹⁷ and houses,⁹⁸ as ἀπὸ ἑξαλειμματος indicates that the range of properties found in exaleimmatikai staseis could be found listed ἀπὸ ἑξαλειμματος as well. As in the case of exaleimmatikai staseis, someone could own "half" of a property ἀπὸ ἑξαλειμματος.⁹⁹ The one kind of property never designated as ἀπὸ ἑξαλειμματος is simple arable land (γῆ).

Somewhat less commonly attested are properties modified with ἑξαλειμματικός, an adjective encountered throughout the Palaiologan era. The kinds of properties described in this way are γῆ, χωράφιον (and χωραφιαῖον τόπιον¹⁰⁰), ἀμπέλιον,

⁹⁴ As is clearly seen in one praktikon which first lists ἔτερον [χωράφιον] ἀπὸ τῆς ἑξαλειμματικῆς ὑποστάσεως Σωτηρίχου τοῦ Κοκκίνου ἐκεῖνου, and later, ἕτερον οἰκοτόπιον ἀπὸ ἑξαλειμματος Σωτηρίχου τοῦ Κοκκίνου ἐκεῖνου (*Lavra* III, no. 122, 11–12, 19–20).

⁹⁷ *Lavra* II, no. 109, 585–86, 632, 637.

⁹⁸ *Chilandar*, no. 92, 59–61.

⁹⁹ *Lavra* II, no. 109, 609.

¹⁰⁰ *Docheiariou*, no. 13, 3–5; no. 14, 3–4.

⁹⁴ Dölger, *Sechs Praktika*, V 395–96.

⁹⁵ J. Lefort, "Fiscalité médiévale et informatique: Recherches sur les barèmes pour l'imposition des paysans byzantins du XIV^e siècle," *RH* 512 (1974), 349.

TABLE 6
MEAN SIZES OF SELECTED PROPERTY PARCELS—MACEDONIA, 1301–1341

| | mean (modioi) |
|---|-------------------|
| vineyard plots within exaleimmata and exaleimmatikai staseis number of cases = 67 (based on 25 staseis, 72% of which held by monasteries and pronoiars) ^a | 1.3 |
| vineyard plots ἀπὸ ἐξαλείμματος n = 18 (94% held by paroikoi) ^b | 1.5 |
| exaleimmatika vineyards n = 13 (all held by monasteries and pronoiars) ^c | 3.0 |
| fields within exaleimmata and exaleimmatikai staseis n = 171 (based on 16 staseis, 94% of which held by monasteries and pronoiars) ^a | 6.1 |
| fields ἀπὸ ἐξαλείμματος n = 23 (all held by monasteries) ^d | 5.9 |
| exaleimmatika fields | no data |
| arable land parcels within exaleimmata and exaleimmatikai staseis n = 14 (based on 14 staseis, all of which held by monasteries and pronoiars) ^a | 55.6 |
| arable land ἀπὸ ἐξαλείμματος (unattested) | no data |
| exaleimmatikē arable land (all held by monasteries) | insufficient data |

Data: ^aSee Table 2, notes a and b.

^b*Lavra* II, nos. 108, 109. Dölger, *Sechs Praktika*, V, RV. *Xeropotamou*, no. 18. *Esphigmenou*, no. 14.

^cDölger, *Sechs Praktika*, RK. *Zographou*, no. 17. Unpub. 1321 praktikon for Michael Saventzes.

^d*Lavra* II, no. 108. Dölger, *Sechs Praktika*, A. *Chilandar*, no. 55.

once περιβόλιον,¹⁰¹ and once “shares in a salt pan” (τὰ . . . ἐξαλειμματικά μερίδια τῆς ἀλικῆς),¹⁰² suggesting a wide range of ἐξαλειμματικά properties was possible.

It is unclear whether an ἐξαλειμματικός property was the same as a property ἀπὸ ἐξαλείμματος.

¹⁰¹*Lavra* II, no. 109, 580. In addition, one document refers to ἑτερον σιγιλλατίκιον ἐξαλιμματαῖον (MM V 85, 15–16).

¹⁰²Solovjev-Mošin, *Grčke povelje*, no. 31, 176–77.

Table 6 suggests that this may not have been the case and further suggests some patterns in the transferral of exaleimmata between lord and paroikos. In the table the most common exaleimmatika properties (ἀμπέλια, χωράφια, γῆ) are arrayed by the manner in which the property is described: as property within an exaleimmatikē stasis or exaleimma, a property ἀπὸ ἐξαλείμματος, or an ἐξαλειμματικός property. The table supplies the

average size of each kind of property within each group as well as information about the holders of the properties. In regard to vineyards, for which data are most complete, we observe that lords hold all the attested ἑξαλειμματικά vineyards, while paroikoi hold almost all the vineyards ἀπὸ ἑξαλείμματος. More remarkable are the area figures for vineyards which indicate that ἑξαλειμματικά vineyards were, on the average, twice as large as both vineyards ἀπὸ ἑξαλείμματος and vineyards found within exaleimmatikai staseis. In fact the relevant *t*-tests show that the difference between, on one hand, the mean size of ἑξαλειμματικά vineyards and, on the other, the mean sizes of vineyards ἀπὸ ἑξαλείμματος and vineyards within exaleimmatikai staseis is significant, in both cases, beyond the .01 level. As to why this should be the case, I offer the following explanation.

When the stasis of a paroikos became exaleimmatikē, it reverted to the lord of the paroikos, in most of the attested cases a monastery, although at times a pronoiar or other lay lord. The monastery (or other lord) then had three options for the disposition of the stasis. It could hold on to the exaleimmatikē stasis and exploit it through rental to peasants; it could have the stasis assigned to another paroikos; or it could break up the stasis, keep some of the constituent properties, and distribute the rest to its paroikoi. Though solid proof is elusive, I suspect the third procedural option was the most common. On an abstract level, one may imagine that a monastery, wishing to maximize its income within a certain social context, would prefer to evaluate each property within an exaleimmatikē stasis individually and decide whether that property would produce a greater net income for the monastery if assigned to a paroikos, if leased by tenants, or if exploited directly by the monastery utilizing the *corvées* owed it by its paroikoi. In any event, exaleimmatikai staseis *were* broken up, and the sources and statistics derived from the sources suggest the criteria.

First, we consider the five exaleimmatikai staseis reassigned to monastic paroikoi in Macedonia. Four of them contain vineyard parcels ranging from $\frac{1}{3}$ to $1\frac{2}{3}$ mod., and three of these contain a garden plot or a small orchard with a few fruit trees (κηπωρεῖον, περιβόλιον, ἔσωπερίβολον μετ' ὀπωροφόρων δένδρων). A fifth contains $7\frac{1}{2}$ mod. of *chōrafia* and a garden.¹⁰³ The mere sizes of these staseis, among the very smallest of all exaleimma-

tikai staseis, imply that paroikoi tended to receive only the least substantial staseis that passed through the monastery's hands. But beyond this, the contents of these staseis are revealing. Whereas 88% (23 out of 26) of all exaleimmatikai staseis and 67% (6 out of 9) of all exaleimmata held by lords in Macedonia contain arable land (γῆ or χωράφια), only 1 of the 5 exaleimmatikai staseis held by paroikoi have any such arable land. On the other hand, while 4 of these 5 exaleimmatikai staseis held by paroikoi contain gardens or orchard plots, not a single exaleimmatikē stasis or exaleimma held by a lord in Macedonia is described as containing gardens or orchards.

The conclusions suggested by these observations are reinforced by the ownership trends reported in Table 6. According to available data, when exaleimmatikai staseis were broken up and the component parts (chiefly vineyards, fields, and *gē*) were redistributed, all *gē* and all fields (both ἀπὸ ἑξαλείμματος and ἑξαλειμματικά) were kept by the lords. The ownership of vineyards, however, was divided between lords and paroikoi with the lord holding all the ἑξαλειμματικά vineyards and paroikoi almost all the vineyards ἀπὸ ἑξαλείμματος. Now in Table 6 fields either within exaleimmatikai staseis or ἀπὸ ἑξαλείμματος are the same size, and vineyards within exaleimmatikai staseis are the same size as vineyards ἀπὸ ἑξαλείμματος which are almost always held by paroikoi. But ἑξαλειμματικά vineyards average twice the size of vineyards within exaleimmatikai staseis and ἀπὸ ἑξαλείμματος.

I propose that when an exaleimmatikē stasis came into the possession of a lord, the following trends characterized the disposition of the stasis and properties within it.¹⁰⁴

1. Exaleimmatikai staseis with fields or *gē* and/or with vineyard plots of relatively large individual sizes were generally not given to paroikoi whole or broken up and redistributed. Rather, the lord kept all the property within the stasis, and the stasis continued to be listed in the lord's *praktikon* as a whole exaleimmatikē stasis.
2. Exaleimmatikai staseis that contained small vineyard parcels and no fields or *gē* were reassigned whole to paroikoi.
3. Exaleimmatikai staseis that had large and small vineyard parcels, with or without *gē* and fields, were

¹⁰⁴Since the entire discussion has concentrated on exaleimmata in Macedonia, for which documentation is the fullest, these conclusions must be restricted to Macedonia. Data for Lemnos exist, but they are less abundant and conclusions, therefore, less reliable.

¹⁰³*Esphigmenou*, no. 8, 14 ff. *Lavra* II, no. 109, 457–58.

broken up and reassigned with the result that (a) the lord kept all the parcels of *gē* and *chōrafiā*, (b) the lord kept the larger vineyard parcels, and (c) the smaller vineyard parcels were reassigned to the lord's *paroikoi*.

4. Gardens and orchards played no role in the decision to break up an *exaleimmatikē stasis*. If a *stasis* was broken up, the gardens and small orchards were reassigned to *paroikoi*.

5. Only vineyards, small fields, gardens, small orchards, and houses were ever reassigned to *paroikoi*.

6. All other properties, including *gē*, most *chōrafiā*, mills, and other buildings and structures, were kept by the lord.

These conclusions are merely trends, and exceptions can be found for several of them. Certainly there were other factors involved in the reassignment of properties aside from general property type and size.

Armenopoulos' *Hexabiblos*, the mid-fourteenth-century compilation of Byzantine law, cites a ruling dealing with *προτίμῃσις*, the right of first refusal for particular individuals and groups in land sales and transfers: "If four years pass unchallenged after the sale of *κλασματική*—that is, *ἐξαλειμματική*—land, a person cannot move for *protimēsis*."¹⁰⁵ The source for this passage is evidently the *Peira*, although in that eleventh-century legal compilation the phrase *ἡγουν ἐξαλειμματικήν* is absent.¹⁰⁶ Armenopoulos and his contemporaries understood the concept of *protimēsis*, an institution that still existed to a degree in the fourteenth century,¹⁰⁷ but the expression *κλασματική γῆ* was sufficiently unfamiliar that Armenopoulos—or perhaps some slightly earlier compiler¹⁰⁸—felt it necessary to define it with a more familiar term. The ruling itself, like so much of the *Hexabiblos*, had no relevance to the fourteenth century; the term *κλάσμα* disappeared during the twelfth century and with it the right of *protimēsis* in regard to *klasma*. The only real point of interest is the relation between *κλάσμα* and *ἐξάλειμμα*, terms which numerous modern scholars have, like Armenopoulos, regarded as more or less equivalent,¹⁰⁹ but which others, notably N. Svo-

ronos, have kept separate.¹¹⁰ The issue is actually moot, since the two terms were never employed contemporaneously in the documents, belonging as they did to two different agrarian systems. In a sense it is much like a debate over the equivalence of the late Roman *epibolē* and Basil II's *allēlengyon*. The question is not whether such terms were identical and synonymous, but whether they were historically analogous features of different agrarian systems. *Ἐξάλειμμα* and *κλάσμα* were certainly analogous.

N. Svoronos' objection is based on a syllogism: *κλάσμα* is not *ἐξαλιφέν*, *ἐξαλιφέν* is *ἐξάλειμμα*, and therefore *κλάσμα* is not *ἐξάλειμμα*. The first premise is true; *ἐξαλιφέντα* or *ἐξαλιφέντες στίχοι* were the "struck-out" tax entries for the property of free peasants (or by transference, the properties themselves) who belonged to a village community and who had abandoned their properties. As a result of their being abandoned, the properties became fiscally unproductive, that is, they no longer fulfilled their tax obligations. State officials routinely mitigated or alleviated the tax burden on these properties, then designating them as *συμπάθειαι*, *συμπαθηθέντες στίχοι*, *συμπεπαθημένα τόπια*, *κουφισθέντα*, or *ἀποκεκνημένοι*.¹¹¹ However, after the passage of thirty years, if neither the original owners nor their heirs returned to claim the properties, the *ἐξαλιφέντα* were declared *κλάσματα* and became the property of the state, which could dispose of them as it wished. In other words, they were then escheated. Thus an *ἐξαλιφέν* was a free peasant property whose tax burden was partially or totally suppressed during a thirty-year waiting period, and *κλάσμα* was this same property after the thirty-year period when it had been definitively and irrevocably escheated.¹¹²

However, *ἐξαλιφέν* is not *ἐξάλειμμα*. First of all, it must be noted that an *ἐξαλιφέν* property was owned by a free peasant, by definition, a free member of the fiscal unit of the village community.

Laiou, *Peasant Society*, 53 and 57 ("deserted lands"), and Vasilevskij, "Materialy," 105–6, 158, and *Trudy*, IV (Leningrad, 1930), 271 ("escheated property").

¹¹⁰N. Svoronos, "Recherches sur le cadastre byzantin et la fiscalité aux XIe et XIIe siècles: Le cadastre de Thèbes," *BCH* 83 (1959), 121 note 1 (also published separately, and in Svoronos, *Études sur l'organisation intérieure*, no. III).

¹¹¹Dölger, *Beiträge*, 118–19.

¹¹²K. Osipova, "Sistema klasm v Vizantii v X–XI vv.," in *Vizantijskie očerki* (Moscow, 1961), 174–85, distinguishes several senses of the word *κλάσμα* as it is employed in the documents. All her distinctions are mooted, however, if the thirty-year waiting period had elapsed, a situation which may possibly have existed in every document that speaks of *klasmata*.

¹⁰⁵*Hexabiblos* III.3.115: *κλασματικήν γῆν, ἡγουν ἐξαλειμματικήν*. Evidently, this is the passage identified by Du Cange (*Glossarium*, col. 661) as a scholium to the *Basilica*.

¹⁰⁶Zepos, *Jus*, IV, 18.

¹⁰⁷E.g., MM V 83, 18–19.

¹⁰⁸But in any case not before the second half of the thirteenth century, when the term *ἐξάλειμμα* first appears.

¹⁰⁹E.g., Dölger, *Sechs Praktika*, p. 122; *Beiträge*, 131; Zakythinos, *Despotat*, II, 182; Solovjev-Mošin, *Grčke povelje*, 432; and cf.

On the other hand, all exaleimmata (except for a few cases where the term seems to have been applied to properties abandoned by pronoiars) and all ἐξηλειμμένοι στάσεις for which we have information originated as paroikikai staseis, landholdings of dependent peasants. Second, while both ἐξαλιφέντα and exaleimmata were, loosely speaking, properties that had been abandoned by their peasant-owners, the former term represented the first step in a process, the latter, the last. In the tenth and eleventh centuries, only after the prescribed thirty years, during which time a property enjoyed *sympatheia* or *koufismos* and was subject to great restrictions in regard to being sold or otherwise transferred, was it declared κλάσμα and its property rights reverted to the state. In the fourteenth century there was no waiting period; transfer of the property to the lord of its paroikos-owner followed immediately upon the discovery that the property had been abandoned by the death or flight of its owner.¹¹³ An exaleimma was not simply a property abandoned by its owner, but a property that had been abandoned *and* had reverted to the lord of its owner. Thus the institution of exaleimma was the fourteenth-century analog of the Middle Byzantine institution that transformed ἐξαλιφέντα into κλάσματα. In other words, while a tenth- or eleventh-century property reverting to the state was κλάσμα, a fourteenth-century property reverting to the lord of its owner was ἐξάλειμμα. One process operated within the context of the village community of free peasants; the other, within the institution of paroikoi.

A century ago V. Vasilevskij recognized that the terms κλάσμα, ἐξηλειμμένη στάσις (in the thirteenth century), and ἐξάλειμμα all designated escheated peasant property.¹¹⁴ Despite the subsequent publication of a vast quantity of documentary material followed by a flurry of scholarship on Byzantine agrarian history, Vasilevskij's observation, though virtually ignored in the literature,¹¹⁵ remains a useful and evocative description of these properties. While this is not the place to speak definitively of klasma, and while there is not quite enough data to make any firm decision about ἐξηλειμμένος, "escheated property (of paroikoi)" is

the best, most elegant and sententious, brief definition of ἐξάλειμμα. The single word "escheat" embraces the three essential aspects of exaleimma: the abandonment of a property by its owner's death, flight, or disappearance; the failure of the property/owner unit to meet its obligations toward its lord (a private landowner or, in the case of state paroikoi, the state), a necessary condition for abandonment;¹¹⁶ and the lapsing of the property to the paroikos' lord (again, a private lord or the state). Further, another advantage of "escheated property" as a translation of ἐξάλειμμα is that it offers absolutely no sense of the physical condition of the property which, as we have seen, could be occupied, cultivated, and as productive as any other land. Among other translations, "ownerless property" is adequate to a point, though it does not suggest the fate of such a property, and "abandoned property" can and has been all too easily confused with "deserted/desolate property."

Escheat is a term that originated in western feudal society and was used to designate the principle by which the property of a seised tenant was forfeited to his lord on account of his dying intestate and without heir (*per defectum sanguinis*) or on account of a felony (*per dilectum tenetis*). It has proved to be a flexible concept found in many societies present and past. The modern state may confiscate the property of its citizens who die intestate and without heirs, and it may confiscate and reassign property that has been abandoned by its owners who have ceased meeting their tax obligations. Of course in Byzantium the lord's right to the exaleimmata of his paroikoi was not, as in the feudal West, inherent in his prerogatives as *dominus* (from which the feudal monarchy developed the right of state escheat), but rather was the result of the devolution of state authority to private parties, in particular of the state's right to confiscate property (*bona vacantia*, *bona damnatorum*) which Byzantium inherited from Rome.

As an institution with strong parallels to contemporary western practices, the principle of exaleimma was easily appropriated by the Latin successor states. In the Principality of Achaia, the property of serfs who fled their holdings or who died without heir reverted to their lord. Article 185 of the Assizes of Romania states clearly that "if a serf of whatever lord dies without heirs of his body,

¹¹³ *Docheiariou*, no. 40, 13–14, clearly illustrates this.

¹¹⁴ *Trudy*, IV, 271. "Materialy," 105–6, 158.

¹¹⁵ Though not by A. Kazhdan, *Agrarnye otnosheniia v Vizantii, XIII–XIV vv.* (Moscow, 1952), 93–94, and *Derevnja i gorod v Vizantii, IX–X vv.* (Moscow, 1960), 112, and by Osipova, "Sistema klasma," 174. Cf. G. Ostrogorsky, "The Peasant's Pre-Emption Right," *JRS* 37 (1947), 123.

¹¹⁶ Article 19 of the *Farmer's Law* (ed. W. Ashburner in *JHS* 30 [1910], 100) implies that as long as the owner of a property paid his tax, mere physical desertion of a property did not constitute legal abandonment.

the lord succeeds to his movable and immovable goods.”¹¹⁷ And the documentary evidence, consisting of the 1336 donation to Nicolas Acciaiuoli, the 1354 praktikon for Acciaiuoli, and the 1357 donation to John Siripando, shows that when a serf fled his holding (*stasia*), it similarly reverted to his lord.¹¹⁸ Such an escheated holding was most commonly called a *stasia deserta*, less commonly an *eremustasi*,¹¹⁹ and just once a document speaks of the “excadencia stasie” (the escheated property of the *stasia*) of a serf.¹²⁰

As in Byzantium, a Latin lord who acquired a *stasia deserta* could exploit it in any one of three ways: he could assign it to another peasant who then assumed the tax burden on the property, he could rent it to someone, or he could exploit it directly as part of his domain land. The documents, though few in number, are at times quite explicit about the status of a *stasia deserta*. When a *stasia* had been reassigned, we read, for example, “*stasia condam Georgii Puso, quam tenet Theodorus Cladostiri,*” or “*Stasia de Nicola Copoli*” with a marginal addition, “*Tenela Stamati Stasino.*”¹²¹ When a peasant rented a *stasia deserta*, this information is sometimes provided,¹²² and when the *stasia* had become part of the lord’s domain, we read, for example, “*summa predictorum fugitivorum personarum sexdecim, quorum stasie sut ad manum curie et curia percipit fructus eadem,*” or “*sunt ad manus curie et nichil solvunt.*”¹²³

While one would expect certain similarities between the Byzantine institution of exaleimma and the western institution of escheat, the fact that Morean practices can be reconstructed on the basis of merely three documents suggests that the Latins had borrowed more than simply a few terms from Byzantium. The clarity and explicitness of the Morean documents in regard to escheat, avoiding as they do the abbreviation and ellipsis of the Byzan-

tine documents that deal with exaleimma, strongly indicate that the Latins were employing a system compatible with western practices as well as essentially indigenous to the Morea and to Byzantium in general.

During the Genoese occupation of Chios (1346–1566), both the concept of exaleimma and the term itself were appropriated. In an effort to attract settlers to their newly conquered island, the rulers of Chios, the mastic-trading company called the Mahonna, granted land to Genoese immigrants.¹²⁴ For the period from March 1348 to September 1349 there is a series of seven documents which grant collections of properties, composed either partially or entirely of properties referred to as *terra chisilima*, *chisilima*, *terra exilimatica*, or *exilima*.¹²⁵ These grants frequently include the description, location, and name of the previous holder of the property, and one of the grants states that the Mahonna was granting such *terrae chisilimae* because they belonged to the company “*iure dominii et iure chisilimatico.*”¹²⁶ In addition, there is a deed of properties held by a lay lord on Chios from 1381 which lists over a dozen *chesilimae* (or *chisilimae*) held by him. All of these properties have names, brief descriptions, and tax figures, and some note the present cultivator of the property. For example: “*Chisilima Stefano Petrici et Sidero eius nepotis habent in Cadacha ortum pertiche 1 terre cum celse plante 2 et celse parve 4 quas plantavit Vassalj Agapito, h. 7.*”¹²⁷

Since the Genoese had appropriated a Byzantine fiscal term and employed it in connection with Byzantine lands and a Byzantine population, it is likely that such *chisilimae terrae* were acquired, as in Byzantium, from the property of paroikoi who died without heirs or who had fled their property. There is, however, no clear evidence of this from the Chian documents. On the other hand, *chisilima* was also acquired through escheat by attainder, a practice attested in Byzantium but never directly linked to exaleimma.¹²⁸ Two late sixteenth-century historians of Chios report that sometime during the second half of the fourteenth century the Genoese succeeded in uncovering an anti-Latin conspiracy

¹¹⁷Trans. by P. Topping, *Feudal Institutions as Revealed in the Assizes of Romania* (London, 1949), 88. The reference to movable property is interesting in light of our ignorance of the disposition of the movable property of Byzantine peasants whose staseis became exaleimmata.

¹¹⁸See J. Longnon and P. Topping, *Documents sur le régime des terres dans la principauté de Morée au XIV siècle* (Paris, 1969), 9–10, 262, 266–67. Article 203 of the Assizes, giving lords the right to retrieve fugitive serfs, implies as much.

¹¹⁹I.e., ἐρημόστασις, a word I have not encountered in the Byzantine documents. But cf. *Xeropotamou*, no. 24, 17–18, and *Lavra I*, no. 1, 15.

¹²⁰Longnon-Topping, *Documents*, p. 28, line 24. Acciaiuoli himself received his fief “*per excadenciam devolutis*” (21, 3).

¹²¹Longnon-Topping, *Documents*, 138, 5 ff; 70, 1 ff.

¹²²Ibid., 78, 30–38.

¹²³Ibid., 91, 30; 92–93. Cf. 70, 23 ff.

¹²⁴On the Genoese of Chios, see W. Miller, *Essays on the Latin Orient* (Cambridge, 1921), 298–313.

¹²⁵P. Argenti, *The Occupation of Chios by the Genoese and Their Administration of the Island* (Cambridge, 1958), III, nos. 17, 28, 34, 35, 36, 38, 48.

¹²⁶Ibid., I, pp. 479–80, 573–74; III, nos. 28 and 48.

¹²⁷Ibid., III, no. 411, p. 887.

¹²⁸See Alexander, “*Kanina*” (above, note 39), 181, lines 87–90.

ostensibly led by the Greek metropolitan of Chios. The metropolitan was banished, the conspirators executed, and while some of their property was given as a reward to the informants, the rest, “chia-morno *xelimata*, cioè beni usurpati o confiscati,” was divided equally among the Genoese lords.¹²⁹ The term itself continues to appear in Genoese documents from Chios at least as late as 1461.¹³⁰

A NOTE ON Ἐκλείωμα

In at least eighteen documents, spanning a period from 1300 to 1415, one encounters the word ἐκλείωμα, the phrases ἐκλειωματική γῆ and ἐκλειωματικὸν χωράφιον,¹³¹ or a form of the verb ἐκλειώω. Ἐκλείωμα was held by paroikoi and by monasteries. It could be found within an exaleimatic stasis, be conferred upon a paroikos, or be derived from rented land.¹³² A village could contain numerous parcels of ekleiōma,¹³³ and land could maintain its designation as ἐκλειωματική for as long as twenty-five years.¹³⁴

The meaning of the term is a matter of interest because Dölger defined ἐκλειωματικός as “verfallen, brach” (“dilapidated, fallow”) and implied that ἐκλείωμα was more or less synonymous with ἐξάλειμμα, and more recent scholars have either avoided any definition or accepted Dölger’s interpretation.¹³⁵ However, for a number of reasons it is quite unlikely that ἐκλείωμα and ἐξάλειμμα were synonyms.

1. In twelve of the eighteen documents that employ a form of the word ἐκλείωμα, we also find a

form of the word ἐξάλειμμα. For example, a set of periorismoi for Lavra from 1321 lists numerous small properties held by this monastery in the village of Ptelea. Some of the properties are identified as having been purchased by Lavra, others were ἀπὸ ἐξάλειμματος, one is designated as ἀπὸ ἐκλειώματος, and one is simply called an ἐκλείωμα.¹³⁶ While it is conceivable that two different words appearing in successive lines of the same document could have the same meaning, it is nevertheless a *prima facie* indication that such words were not synonymous.

2. In 1323 a paroikos outside Constantinople held γῆν διὰ παραδόσεως ἀφ’ ἧς ἐξελεώσε.¹³⁷ In order to link this phrase to exaleimma, we must envision an otherwise unattested scenario: a paroikos flees his property, the property becomes exaleimma, he returns and is reassigned part of the property he abandoned. A simpler interpretation will be offered below.

3. The documents provide examples of paroikoi holding ἐκλειωματική γῆ but, despite scores of references to exaleimma, never ἐξάλειμματική γῆ.¹³⁸

4. No stasis or vineyard is ever described as ἐκλείωμα.¹³⁹ The only properties attested as ἐκλείωμα are χωράφια (6 examples) and γῆ (7 examples).

5. Unlike exaleimma, when paroikoi held ekleiōma, there is evidence that such property was not taxed. In 1318 a paroikos held an ox, 2 mod. of vineyards, a garden of 1 mod. with 3 fruit trees, γῆ of 25 mod., and ἐκλειωματική γῆ of 25 mod. His telos was 2 hyp. Three years later he held the same property, except that the fruit trees and the ἐκλειωματική γῆ are not listed, yet his telos was still 2 hyp. Another peasant in the same village held, in 1318, an ox, 3 mod. of vineyards, a garden of 1 mod., and ἐκλειωματική γῆ of 30 mod. and owed a telos of 1 hyp. In 1321 he is listed as holding 4 mod. of vineyards and 25 mod. of γῆ, and his telos has increased to 1½ hyp.¹⁴⁰

¹²⁹ Hieronimo Giustiniani, *History of Chios*, ed. P. Argenti (Cambridge, 1943), 69. M. Giustiniani, *La Scio Sacra del Rito Latino*, 13 ff (inaccessible to me). See also Sp. Lampros in Νέος Ἑλλ. 11 (1914), 491–92, and Argenti, *Occupation*, I, 572, 652–53. P. Argenti’s dating of the conspiracy on the basis of the term should be ignored.

¹³⁰ Argenti, *Occupation*, I, 572 note 4. Cf. III, no. 81 (1450).

¹³¹ Γῆ: *Chilandar*, no. 92, 104–5; *Esphigmenou*, no. 14, 179, 182. Χωράφια: Dölger, *Sechs Praktika*, A 245–46 (and K, P, and V); *Lavra* II, no. 108, 587–88; III, no. 114, 42; no. 164, 16–17; Goudas, “Vatopedi,” 227, no. 11, line 12; W. Regel, *Χρυσόβουλλοι καὶ χρτάματα τῆς ἐν τῷ Ἀγίῳ Ὁρει Ἀθῶν ἱερᾶς καὶ σεβασμίας μεγίστης μόνης τοῦ Βατοπεδίου* (St. Petersburg, 1898), no. 4, 12 (and repeated verbatim in a later act: G. Theocharides, *Μία διαθήκη καὶ μία δίκη βυζαντινὴ* [Thessaloniki, 1962], no. 4, 101).

¹³² *Lavra* III, no. 164, 16–17. *Chilandar*, no. 92, 59–61.

¹³³ Dölger, *Sechs Praktika*, A 249–50. *Zographou*, no. 21, 11–18.

¹³⁴ Cf. Dölger, *Sechs Praktika*, RK 332–34 and RV 240–41. On the other hand, the designation could be lost in as little as three years: cf. *Esphigmenou*, no. 14, 182 and no. 15, 101. Also, see Guillou, *Prodrome*, no. 9, 33–34; no. 10, 35–36; and no. 35, 28–30.

¹³⁵ Dölger, *Sechs Praktika*, pp. 22 and 122. And cf. *Lavra* III, p. 293, and *Esphigmenou*, p. 101.

¹³⁶ *Lavra* II, no. 108, 538–49. Also, see *Chilandar*, no. 92, 59–61. In the Lavra document we actually read ἐκλειώματα and ἀπὸ ἐκλειώματος, incorrect forms understandably based on a confusion with the double-μ termination of ἐξάλειμμα.

¹³⁷ *Chilandar*, no. 92, 104–5.

¹³⁸ *Esphigmenou*, no. 14, 179, 182.

¹³⁹ In *Lavra* II, no. 108, 541, the identity of the two properties described as ἐκλείωμα and ἀπὸ ἐκλειώματος is not discernible. They may be vineyards, but it is a bit more likely that they are fields.

¹⁴⁰ *Esphigmenou*, no. 14, 177–79, 181–82; no. 15, 99–101. On the other hand, there is some evidence that ekleiōmatika properties held by monasteries were given fiscal assessments: see Dölger, *Sechs Praktika*, A 245–50 (a weak example), and RK 332–34 and RV 240–41 (a much more problematic example).

Individually these five points prove little, but in aggregate they force us to conclude that *ekleiōma* and *exaleimma* behaved differently and were treated differently.

If not a property abandoned by its owner, what was *ἐκλείωμα*? E. Kriaras and D. Demetrakos define *ἐκλειωματική γῆ*, respectively, as ἀργιλωδες χώμα ‘clayey earth’ and σαπωνόλιθος, σαπουνόχωμα ‘steatite.’¹⁴¹ The connection between these two definitions is seen from Du Cange’s definition of *ἐκλείωσις*: citing a manuscript gloss, he writes, λεύκωσις, καὶ ἐκστροφή, καὶ ὕδραργύρωσις τῶν εἰδῶν. In other words, for Kriaras and Demetrakos *ἐκλειωματική γῆ* was land that appeared “white” because of a high mineral content, either in the form of aluminum silicates (the principal constituent of white clay) or magnesium silicates (steatite or talc).

Oddly enough, these definitions receive some support from the sources. For one thing, of the seventeen distinct references to *ekleiōmatika* properties, three refer to lands in the village of Sidērokausaia (a known center for iron production) and at a place called Sidēra Toumvē.¹⁴² One would indeed expect some of the land in these places to have a high mineral content. Further, of the seventeen references, another three refer to properties that are described as located near rivers,¹⁴³ where one would expect to find sedimentary and alluvial clay deposits.¹⁴⁴ And while clayey earth is unsuitable for many kinds of agriculture, it could at times be entirely adequate for viticulture,¹⁴⁵ which might explain why there are no references to *ekleiōmatika* vineyards.

There is only one obstacle to defining *ἐκλείωμα* as a kind of naturally occurring land which was unsuitable for general agriculture because of a high mineral content. Forms of the verb *ἐκλείω* appear in six documents, referring to three distinct parcels of land. An act from 1324 confirmed Lavra’s possession of a *chōra* of 6 mod. ὅπερ ἐκλείωσε Γεώργιος ὁ Ψιαθᾶς. In 1323 a *paroikos* recently given to Chilandar held 15 mod. of γῆν διὰ παραδόσεως ἀφ’ ἧς ἐξελείωσε. And the four fourteenth-century *praktika* for Iveron note the mon-

astery’s possession of a field of 14 mod. ὅπερ ἐκλείωθη παρὰ τοῦ Νομικοῦ.¹⁴⁶ Since *ἐκλείωμα* is evidently derived from *ἐκλείω* (see Kriaras), and since both the Chilandar document and the Iveron *praktika* above employ forms of *ἐκλείωμα* as well as the verb (in the Iveron documents, the verb and the adjective appear within three lines of each other), it would be difficult to assign a sense to *ἐκλείω* completely distinct from that of *ἐκλείωμα*. Thus *ἐκλείωμα* cannot be simply a naturally occurring type of land, but land, perhaps in conjunction with its natural properties, which could be rendered *ekleiōmatikos*.

Ultimately, we must return to the verb *ἐκλείω*. Liddel and Scott define it as “to rub down or to pieces,” and Demetrakos’ definition is κατατρίβω, λειώνω (“to wear down, grind down, wear out, use up”). As applied to land there is only one appropriate sense: “to wear out, exhaust, use up.”¹⁴⁷ Thus *ekleiōma* could be exhausted, overworked land (cf. mod. λειώμα). This could explain why *ekleiōmatikē gē* held by peasants does not seem to be taxed. It also helps to explain two references to *ekleiōma* from a 1323 *praktikon* for Chilandar’s possessions in a village outside Constantinople. One *paroikos* in the village held γῆν διὰ παραδόσεως ἀπὸ ἐκλειωματικῆς ὑπομόρτου γῆς,¹⁴⁸ which suggests a scenario: A monastery rents out some of its domain lands to *paroikoi*. These *paroikoi*-tenants, with little regard for the land’s future productivity and under pressure from the *mortē*, mercilessly exploit the land, until it is exhausted. When the monastery then discovers that neither these *paroikoi* nor anyone else wishes to rent the land, it follows a reasonable course and assigns the exhausted land to some of its *paroikoi* who are willing to accept it and nurse it back into productivity. This hypothetical reconstruction can explain another passage found in the same *praktikon* which deals with a *paroikos*, men-

¹⁴¹ Kriaras, Λεξικό, IV, 376. D. Demetrakos, Μέγα Λεξικὸν τῆς Ἑλληνικῆς Γλώσσης, III (Athens, 1950), 2353.

¹⁴² *Esphigmenou*, no. 14, 179, 182. *Lavra* III, no. 114, 42.

¹⁴³ Solovjev-Mošin, *Grčke povelje*, no. 18, 42–47. Dölger, *Sechs Praktika*, A 245–46. *Lavra* II, no. 108, 587–88.

¹⁴⁴ As the *Geoponica* 5.1.3, ed. H. Beckh (Leipzig, 1895), notes.

¹⁴⁵ *Geoponica* 5.2.2.

¹⁴⁶ *Lavra* II, no. 114, 42. *Chilandar*, no. 92, 104–5. Dölger, *Sechs Praktika*, K 373 and P 362. In A 245–46 we read ἡγλειώθη and in V 199, ἐξελλειώθη. The correct form is ἐξελειώθη, undoubtedly what the scribes were aiming for. F. Dölger, *Aus den Schatzkammern des Heiligen Berges* (Munich, 1948), 186, translates the verb as “war dem Verfall preisgegeben.”

¹⁴⁷ One might suggest that *ἐκλείω*, derived from *λεῖος*, could mean “to smooth out” or “to level,” and in the sense of land, “to clear for agricultural production.” There are two reasons why this is unlikely. First, all the definitions of *ἐκλείω* have a negative, disjunctive sense, inappropriate to the positive act of land clearance. Second, the usual term for land clearance (ἀνάσσημα: see Laiou, *Peasant Society*, 175, 189 and note 74) appears in one document along with *ἐκλείω* (*Chilandar*, no. 92, 45).

¹⁴⁸ *Chilandar*, no. 92, 59–61.

tioned above, who was given γῆν διὰ παραδόσεως ἀφ' ἧς ἐξελείωσε.¹⁴⁹ One of the few things a paroikos could do with land before he received it through *paradosis* was rent it. If this was the case, then the passage suggests that this paroikos, having exhausted land that he had been renting, was consequently assigned the property himself. It is not possible to tell, from the tax figures given in the praktikon, whether these paroikoi were responsible for any taxes on these lands.

The two possible definitions for ἐκλείωμα, a naturally occurring type of land and exhausted land, are not really incompatible. Marginally productive land is the most quickly exhausted. In fact one could

argue that Nomikos, in the Iveron praktikon, had “worn out” marginally productive clayey soil near a stream and that George Psiathas had “worn out” steatite-rich land in Sidēra Toumvē. While it must remain only a hypothesis, I think it most likely that the term ἐκλείωμα, when found in the documents, was applied to both naturally unproductive lands and to lands that had been rendered unproductive. An ἐκλείωμα could then be viewed as a fallow property (making a full circle back to Dölger’s definition), but, unlike ἑξάλειμμα, it was not a fiscal term but purely an agricultural one.

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¹⁴⁹ *Chilandar*, no. 92, 104–5.